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ABSTRACT

This report reviews, in the context of the upcoming reauthorization of the Individuals with Disabilities Education Act (IDEA), the operation of special education programs in three cities: Chicago, Illinois; Cleveland, Ohio; and Milwaukee, Wisconsin. Case studies of each of the school systems address what's working in special education, current compliance, a snapshot of the school district, and stakeholder perspectives of special education in the district. An executive summary offers general observations, common concerns, recommendations, and a sampling of perspectives. Among general observations are that the most crucial issue for the reauthorization of IDEA is how to integrate special education with the reforms underway in general education. Common concerns include qualified personnel, early identification and intervention, academic accountability, and funding. The following recommendations are offered: (1) The IDEA should include incentives for qualified special education staff; (2) Congress should increase resources and attention to early identification/intervention, especially personnel training; (3) IDEA should provide more direction about standardized and other assessment and instruction of students with disabilities; and (4) Congress should fully fund IDEA. (DB)

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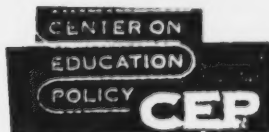
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Based in Washington, D.C., and founded in January 1995 by Jack Jennings, the Center on Education Policy is the national independent advocate for public education and for more effective public schools. The Center works to help Americans better understand the role of public education in a democracy and the need to improve the academic quality of public schools. We do not represent any special interests. Instead, we help citizens make sense of the conflicting opinions and perceptions about public education and create the conditions that will lead to better public schools. The Center on Education Policy receives nearly all of its funding from charitable foundations.

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CENTER ON EDUCATION POLICY • FEBRUARY 2003

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Executive Summary

In 2002, the Center on Education Policy, an independent organization that advocates for public education and better public schools, reviewed the operation of special education programs in Chicago, Cleveland, and Milwaukee.

Based on our interviews and on-site forums with the major stakeholder groups in these three cities, we have made a few general observations about special education in these sites and identified concerns common to all three. The people we talked with also had several suggestions for improving federal special education legislation, which we have translated into recommendations for national leaders to consider as they reauthorize the federal Individuals with Disabilities Education Act (IDEA). The main observations, concerns, and recommendations are summarized here.

General Observations

- Many aspects of special education are already working in these three districts.

Although reports on urban districts tend to focus on what is wrong, many things are going right in these districts. Chicago has improved the identification and referral processes, staff training, and ongoing classroom assessment of students with disabilities. In Cleveland, general educators have assumed a greater sense of responsibility for students with disabilities, and access to regular curriculum and classrooms has expanded for these students. Milwaukee has streamlined the IEP process and improved staff collaboration. Other problems in special education remain, however, which are discussed in the Common Concerns and Case Studies sections of this report.

- The most crucial issue for the IDEA reauthorization is how to integrate special education with the reforms underway in general education.

All three cities are deeply engaged in school reform, although their approaches differ. As these districts begin to implement the No Child Left Behind Act, they must develop specific approaches and work out numerous details for including students with disabilities in general school reform efforts and integrating special and general education. Districts must also address the broad gap in achievement that remains between students with disabilities and other students.

- Across sites, many people felt that not enough time had passed to determine the effects of the changes enacted in the 1997 IDEA amendments.

Some people we interviewed expressed concern that they would soon be faced with another set of legislative changes before they had time to fully implement or see the effects of the last set.

- The courts—and even the threat of litigation—have a significant impact on special education policies and practices in these districts.

In Chicago, for example, a major court decision has compelled the district to change its procedures for student placements and revise certification requirements for both special education and general education teachers. Compliance with IDEA remains a major concern in all three cities, and parents still struggle to ensure the law is carried out fully.

Common Concerns

- **Qualified personnel.** Personnel shortages, frustrating teaching conditions, and insufficient professional development make it difficult to attract and retain highly qualified special education personnel.

In the districts we studied, current personnel are stretched to the limit and frustrated by such factors as excessive paperwork, large class sizes, low pay, and challenging conditions in inner-city schools. All three sites face acute shortages of special education personnel and have difficulties attracting and keeping highly qualified staff. Both general and special education teachers urgently need professional development about effective practices for students with disabilities.

- **Early identification and intervention.** Many children with potential learning challenges are still not being identified early or provided with appropriate interventions.

Children with early signs of learning challenges or disabilities are not being identified and served because of inadequate funding for early childhood programs, lack of parent training, or insufficient counseling and special education personnel. For children already in school, there are not enough resources to serve those who have been identified as disabled, let alone for pre-referral interventions for those not yet classified as disabled. Too few bilingual personnel are available to help identify disabilities in children with limited English proficiency.

- **Academic accountability.** More work is needed to determine effective ways to include students with disabilities in state accountability and assessment systems.

Interviewees agreed about the importance of measuring academic progress for students with disabilities and recognized that if these students are excluded from general accountability and assessment systems, they might not reap the benefits of school reform. However, educators need help figuring out ways to assess these students that are accurate, appropriate and useful for planning curriculum and instruction. The typical state assessments for a given grade level may not accurately capture what students with disabilities can do, and this type of testing can be a frustrating experience for students. The districts said they needed more tests that are valid when administered with accommodations to students with disabilities and more alternate assessments for students not able to participate in general testing.

- **Funding.** Inadequate funding is resulting in personnel and program cuts, compromising the delivery of quality services.

The need for an increased federal investment in special education was a major theme emerging from our interviews and forums. Declining state budgets are contributing to a funding crisis for special education that compromises districts' ability to deliver quality services. The current federal funding level of 17 percent of the additional costs of educating children with disabilities falls far short of the 40 percent maximum federal contribution specified by the IDEA.

Recommendations

The Center on Education Policy has developed recommendations to policymakers for improving federal special education programs, based on suggestions expressed by a large majority of people from all categories of stakeholders. Specifically, we recommend that the Congress and the President consider the following recommendations:

1. The IDEA should include specific incentives to attract, retain, and develop highly qualified special education staff.
2. Congress should increase the resources and attention devoted to early identification and intervention programs and to the training of personnel who provide these services.
 - National leaders should make a significant investment in the Part C program for infants and toddlers with disabilities and the Section 619 preschool program.
 - Additional resources should be provided for pre-referral intervention programs, either through general education or a dedicated special education funding stream.
 - The IDEA should provide incentives to school districts to train and hire additional school-based mental health professionals and bilingual personnel.
3. The IDEA should provide more direction about the use of standardized assessments and other measures to track the progress of students with disabilities and to plan their curriculum and instruction.
 - The "initial evaluation" language of the IDEA should be expanded to require multiple assessments to be used to measure student progress, once eligibility for special education has been established.
 - The IDEA should give school districts the latitude to administer standardized tests at the student's instructional level, rather than grade level, as determined by the student's teacher and IEP team, and should ensure that standardized test results are used to inform curriculum and instruction.
4. Congress should fully fund the IDEA, so that states can meet the letter, intent, and spirit of the Act.

A Sampling of Perspectives from Our Case Studies

The case studies in this report go into detail about the operation of special education in Chicago, Cleveland, and Milwaukee and highlight issues and challenges unique to each city. To give a flavor of the many compelling personal experiences and perspectives that people in these cities shared with us, we offer a sampling of comments from various stakeholders:

- An African-American mother in Milwaukee told us how she got up extra early, took her two children with disabilities to school early, and brought a third child with her to our forum, so she could talk to us about the importance of schools making accommodations for parents so they can be informed and can participate in school activities.
- A representative of the Chicago Teachers Union told us that general education teachers are hiding their special education certification, because teaching special education is just too tough.
- A school psychologist in Cleveland said she is so overwhelmed by paperwork that she doesn't have time to provide the mental health services students need.
- A Cleveland participant who is both a special education teacher and a parent of a child with a disability said, "We're squashing kids in the testing process," referring to the amount of testing and the high stakes attached to it. This participant also observed that the focus should be more on how test results are used to improve teaching and learning.
- A higher education faculty member in Milwaukee expressed little surprise at how districts address over- and under-representation of minority students, since most staff and decision-makers are not members of minority groups and don't reflect the minority population's views and concerns.
- Echoing parents' views in all three cities, a Chicago parents' advocate said the biggest problem in the system is that parents have difficulty obtaining good advice and finding strong advocates and that there isn't enough federal and state enforcement of the law.

Introduction

Special Education in the Context of Education Reform

66 Children placed in special education are general education children first," asserted the report of the President's Commission on Excellence in Special Education. (*A New Era: Revitalizing Special Education for Children and Their Families*, July 2002.) With this statement, the Commission reminded policymakers and educators that special education and general education share the same goal of educational success for all students and challenged them to consider ways to better integrate the two systems.

The relationship between special education and general education reform will be a central topic this year when Congress reauthorizes the Individuals with Disabilities Education Act (IDEA), the major federal law governing education of children and youth with disabilities. The last time the IDEA was reauthorized was in 1997. The predecessor law to the IDEA, enacted in 1975, was intended to address the fact that many students with disabilities were being denied access to public education. The 1997 amendments attempted to move the law several steps further—from access for students with disabilities to better educational outcomes. To achieve that goal, the Act was refocused on greater accountability for results, through such means as including students with disabilities, to the greatest extent possible, in the general education curriculum and in state and district assessments used to measure progress for all children.

The No Child Left Behind Act (NCLB), an education reform bill signed into law in 2002, represents another attempt to better align general and special education. This law aims to improve student performance overall and close the achievement gap between various subgroups of students, including those with disabilities. Toward this end, it requires students with disabilities to participate in the same assessment and accountability systems that states have developed for all students. The major themes of NCLB—increased accountability through universal testing, requirements to ensure that all teachers are well-qualified, and enhanced school choice and academic services for students in schools that need improvement—are likely to be echoed in the upcoming reauthorization of the IDEA. This reauthorization offers an opportunity for policymakers to establish more firmly that general education is responsible for improving educational outcomes for students with disabilities and that special education services are a means for accomplishing this goal.

Purpose of This Report

This report looks at special education in three urban school districts—Chicago, Cleveland, and Milwaukee. It is based on a review of special education policies and practices in these cities conducted by the Center on Education Policy. Part I of the report presents general observations about special education in the three cities, describes common concerns emerging from all three sites, and offers recommendations for revising the IDEA to address these concerns. Part II consists of three case studies that describe how special education operates in each of the three cities and highlight issues and challenges unique to that city.

This report represents the third phase of the Center's work in special education, all aimed at helping policymakers prepare for the IDEA reauthorization. During the first phase, we reviewed long-term data on the accomplishments of IDEA and summarized our findings in the 2002 publication, *Twenty-Five Years of Educating Children with Disabilities*, produced jointly with the American Youth Policy Forum. For the second phase, we commissioned leaders in special education to write papers that outlined their visions for reshaping IDEA; the results were compiled in the 2002 report, *A Timely IDEA—Rethinking Federal Education Programs for Children with Disabilities*.

In this third phase, the Center has moved beyond the data and policy arenas into the world of actual practice. With funding from the Joyce Foundation, the George Gund Foundation, and others, we looked at how special education policies play out in real school districts. Chicago, Cleveland, and Milwaukee were chosen because they are the focus of the Joyce Foundation's overall efforts in education and other areas. The Gund Foundation also focuses much of its work in Cleveland.

Although these three cities are not necessarily representative of special education throughout the country or in urban areas in general, they have yielded valuable information about how IDEA is working and which aspects of the law may need to be changed. Because all three cities are actively involved in school reform, our study also sheds light on the relationship between special education and general education reform.

Special Education in Urban Contexts

As part of the reauthorization of the IDEA, it is important for Members of Congress to understand the unique challenges affecting special education in urban areas. Urban districts enroll large numbers of students but often have fewer financial and human resources. These districts tend to have high rates of poverty and other social and environmental factors that contribute to a greater incidence of disabilities. Large cities also have culturally diverse student populations and greater numbers of students with limited English proficiency, which makes it more difficult to determine which students need special education services and to deliver services to those identified. In addition, the cost and availability of services is generally higher in urban areas.

In short, the challenges of special education tend to be magnified in urban areas. Federal policies that do not work in urban areas are unlikely to produce improvements in special education for the nation as a whole. An effective IDEA is one that works in urban as well as suburban and rural areas, and in large districts as well as small.

Research Methods for This Study

The information in this study is drawn from interviews and forums with a broad array of stakeholders from each city, including teachers, parents, advocates for people with disabilities, policymakers, local district administrators, elementary and secondary principals, related services personnel, teacher union representatives, special education faculty and researchers, and attorneys. (Attempts were made to interview school board members, but they did not respond.)

In the first phase of research, Myrna Mandlawitz, a consultant to the Center and the principal investigator for this study, conducted confidential telephone interviews, lasting from a half hour to more than an hour each, with approximately 40 individuals from the three cities. We felt a policy of confidentiality would encourage people to speak more candidly.

In the second phase, the investigator and the Center's director, Jack Jennings, conducted on-site forums in Chicago, Cleveland, and Milwaukee. These forums were attended by more than 100 people, including individuals already interviewed and other representatives of major stakeholder groups. Participants in the forums had an opportunity to react to preliminary findings presented by the investigator and to offer additional comments and perspectives on IDEA implementation in their districts. The Center's findings were then revised to incorporate input from these forums.

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I.

Overview of Findings and Recommendations

General Observations

Some general observations can be made about special education in Chicago, Cleveland, and Milwaukee:

- Many aspects of special education are already working in these three districts.

Although reports on urban districts tend to focus on what is wrong, the Center on Education Policy was impressed by what is right in these districts. Each is striving to ensure success for students with disabilities, and all are making headway despite many challenges. Chicago has improved the identification and referral processes, staff training, and ongoing classroom assessment of students with disabilities. In Cleveland, general educators have assumed a greater sense of responsibility for students with disabilities, with the result that access to regular curriculum and classrooms has expanded for these students. Milwaukee has streamlined the IEP process and enhanced staff collaboration.

Even with these improvements, however, problems remain, as discussed below.

- The most crucial issue for the IDEA reauthorization is how to integrate special education with the reforms underway in general education.

All three cities are deeply engaged in school reform, although their approaches and timelines differ. Chicago has spent several years revising school governance and taking steps to raise achievement. Cleveland has a longstanding school voucher program and operates under mayoral control. Milwaukee has devolved authority to school governance councils and also offers public and private school choice. Each of the districts has put considerable effort into improving its public schools, and these actions are beginning to yield better results for students.

As the districts continue these efforts and begin to implement the No Child Left Behind Act, they must develop specific approaches and work out numerous details for including students with disabilities in general school reform and integrating special and general education. Our review suggests this is not always an easy process. Districts must also address the wide gaps in achievement that remain between students with disabilities and other students, as described in detail in the case studies.

In Chicago, participants noted that a "silo mentality" continues to exist between general and special education with little attention to a comprehensive approach to serving all students. Also, they cited a lack of good outcome data for students with disabilities.

In Cleveland, some people said that required school inclusion plans, designed to include students with disabilities in reform efforts, looked better on paper than in actual implementation. They also expressed concerns that the current special education system really doesn't fit the general education reform model.

Milwaukee interviewees said that school reform plans did not always include a component on how to integrate students with disabilities. They were also concerned that the "penalty" provisions of NCLB might produce a backlash against students with disabilities, providing an incentive for schools to exclude students with disabilities from standardized testing.

- Across sites, many people felt that not enough time had passed to determine the effects of the changes made in the 1997 IDEA amendments.

Many of the people we interviewed felt the changes to the law had not been in effect long enough to have a pronounced impact, especially since the regulations for the 1997 law did not come out until 1999. Some people were concerned that they would soon be confronted with another set of legislative changes before they had time to fully carry out the last set.

- The courts—and even the threat of litigation—have a significant impact on special education policies and practices in these districts.

The judicial system continues to shape special education in these districts. In Chicago, a major court decision compelled the district to revise its policies for placing students with disabilities in the least restrictive environment, to closely monitor the percentages of children in special education in each school, and to change certification requirements for both special education and general education teachers. In Milwaukee, a pending lawsuit could also bring major changes in evaluation, placement, and staffing policies. Compliance with IDEA remains a major concern in all three cities, and parents still struggle to ensure the law is carried out fully.

Common Concerns Among the Three Districts

Although the districts differ in politics and governance, interviewees voiced remarkably similar concerns about the design and delivery of special education programs. The four greatest concerns they raised dealt with: 1) attracting and keeping qualified special education personnel; 2) identifying and providing early interventions to children with potential learning challenges; 3) determining effective ways to include students with disabilities in state accountability and assessment systems; and 4) ensuring adequate funding for special education programs.

Qualified Personnel

- Personnel shortages, frustrating teaching conditions, and insufficient professional development make it difficult to attract and retain highly qualified special education personnel.

In all three sites studied, special education personnel are "overworked, overburdened, and overwhelmed," as one respondent put it. These three cities, like many districts around the nation, face acute shortages of qualified special education personnel, and current personnel are stretched to the limit and beyond. Teachers in these districts often experience "burnout" and frustration brought on by excessive paperwork, large class sizes, low pay, and overall conditions in inner-city schools. These factors make it difficult for districts to keep the special education teachers they have and attract new hires.

Our review also revealed a need for continuous professional development to ensure that all teachers—in both general and special education—are using the most current and effective practices to teach students with disabilities. "We need qualified people, not just more of them!" one respondent lamented.

Several factors contribute to special education staffing problems in the three cities:

Inadequate numbers of new special education teachers: Colleges and universities with special education training programs are graduating a surprisingly small number of students with degrees in special education. At the national level, the focus has been on shortages, with little discussion of how to make the profession attractive enough to bring college students to the field.

Competition for teachers and district residency requirements: Urban districts have an especially hard time attracting and hiring special education personnel because they must compete against school districts with better working conditions, salaries, and supports for new special education teachers. In Chicago and Milwaukee, filling vacancies is also made more difficult by requirements that school personnel live within the district. The Chicago Board of Education provided a waiver of the residency policy in December 2001 in an attempt to fill teaching positions in areas of special need. However, even that waiver did not significantly increase the number of applicants needed to remedy the teacher shortage.

Litigation addressing the staffing problem: In Chicago, a class action lawsuit settled in 1998 (*Corey H. v. Board of Education of the City of Chicago*, 27 IDELR 713 (N.D. Ill. 1998)) has meant that teachers previously trained to teach one specific disability must be prepared to teach students with a variety of characteristics. New teachers must meet these new special education certification requirements in order to be able to teach in inclusive classrooms. Teachers who have been in the system for several years and nearing retirement may opt to leave the system, rather than participate in the re-certification process.

In Milwaukee, a class action complaint filed in U.S. District Court in September 2001 against the Milwaukee Public Schools and the Wisconsin Department of Public Instruction alleges, among other issues, that the school district has "failed to ensure that an adequate supply of qualified special education and related service personnel and other personnel necessary to educate children with disabilities are appropriately and adequately prepared." (*Lamont A., et al. v. Milwaukee Board of School Directors, et al.*, Case

No. 01-C-0928 (E.D.Wis. 2001), p. 10.) Complainants hope that the court will force a staffing remedy on the district, but it remains unclear how prescriptive the court will be in addressing this issue.

Paperwork: Special education teachers are frustrated by both the amount and nature of the paperwork required. Our respondents cited the IEP and manifestation determinations conducted in disciplinary actions as major sources of paperwork. One educator noted that special education teachers must complete all the paperwork required of general education teachers, plus the extra burden of special education documentation requirements. At the same time, some respondents emphasized that efforts to reduce paperwork or streamline requirements would not be acceptable if they did not protect students' rights.

Class size and space: Large class size was cited repeatedly as a problem that could be solved by hiring more qualified staff. The movement to include more students with disabilities in general education classrooms to the greatest extent possible—as mandated by the 1997 IDEA—has intensified the need for smaller class size. Respondents mentioned team teaching as one way to address large class sizes and provide needed supports for students with disabilities in regular classrooms, but the lack of funds for additional staff and the shrinking pool of qualified applicants have made it difficult to implement team teaching.

All three districts studied were also short on classroom space. Special education classes are still more likely to be relegated to the least attractive areas of the school building or “bumped” to make room for other classes. In some cases, students with disabilities are included in regular classrooms simply because there is no space to house a resource or self-contained classroom. Teachers expressed concern that some of these students are inappropriately placed and are not getting the supports they need, simply because the school cannot physically accommodate another classroom. In Milwaukee, where small class size is a state mandate, a single classroom may occasionally house double the maximum number of students with two teachers because there is not enough space for two smaller classes.

Special urban challenges: All categories of stakeholders felt that the unique challenges of working in urban school districts make it especially difficult to attract new staff and retain current staff. Students, both disabled and non-disabled, arrive at school with myriad family, social, and economic problems that are less widespread in rural or suburban districts. The success rate for students with disabilities is often lower and harder to measure, and teachers often do not have the supports necessary to fully address the students' individual needs, as required by the IDEA.

Other factors: Other factors cited that affect special education personnel were the legal liability issues in special education, the lack of administrative and paraprofessional support, and the lack of time for adequate collaboration among general and special educators and related services personnel. Respondents also echoed the long-held belief that teachers are not viewed as professionals, as judged by a general lack of respect, low pay, and poor working conditions.

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Early Identification and Intervention

- Many children with potential learning challenges are still not being identified early or provided with appropriate interventions.

Children with learning challenges are more likely to succeed in school when potential problems are identified early and interventions are begun as soon as possible. In the districts we studied, however, resources were not always available to make this happen.

Although the signs of potential learning difficulties, such as significant delays in language and motor development, may be present from a very early age, parents and child-care providers may not recognize these signs without training or information from health professionals. Poverty, violence, poor medical care, and other problems prevalent in inner cities often have a profound effect on children's physical and mental health and may impede their ability to learn. For example, poor prenatal care may contribute to low birth-weight babies, who are more prone to developmental delays and have greater needs for special education services. Yet district stakeholders repeatedly told us that funds for IDEA early childhood programs are inadequate to address potential barriers to learning, including developmental delays and mental health problems. For school-based programs, there is not enough federal special education funding to meet the needs of children with disabilities who are already eligible for services, much less to cover pre-referral interventions for students not yet classified as disabled.

There is also a critical need for more school-based social workers, counselors, psychologists, and nurses to help identify students with problems early on and address specific barriers to learning. Despite the IDEA focus on discipline, behavior management, and poor academic results, the congressional debate on the legislation has not acknowledged the role that these health and mental health professionals play in schools. These personnel are also needed to help students cope with the myriad problems of inner city life that can hinder academic achievement, or with the frustrations that sometimes arise when students with inadequate academic preparation are asked to achieve at higher levels.

The districts we studied also mentioned a particular need for more bilingual staff to help identify and serve limited English proficient students with special education needs. Each of the three cities has seen large influxes of immigrants in the last few years, but the number of bilingual staff has not kept pace. It is extremely difficult to adequately assess a limited English proficient student's needs for special education unless the evaluator is able to communicate with the student. The limited number of assessment instruments validated for use with non-English speaking students can further frustrate the process. Individuals who speak students' native languages are critically important to discern whether a learning problem is the result of language or disability. All three districts expressed concern about the small number of teachers and school psychologists with both language and special education expertise.

Academic Accountability

- More work is needed to determine effective ways to include students with disabilities in state accountability and assessment systems.

"That which gets measured gets done," said one participant in our study, summarizing the broad support for strengthening academic accountability for students with disabilities. Federal and state law—most notably the No Child Left Behind Act—requires students with disabilities to be included in general accountability and assessment systems, and the growing inclusion of students with disabilities in regular classrooms provides further incentives for change.

The people we interviewed agreed about the importance of measuring progress for students with disabilities and acknowledged that standardized assessments are a key part of accountability. However, school districts have been inconsistent in their implementation of current IDEA regulations regarding participation of students with disabilities in state and district testing and the use of alternative assessments for these students. Furthermore, it is not always clear how to include students with disabilities in assessment systems in a way that is accurate, appropriate, and sensitive to student needs.

The pursuit of school improvement has become almost synonymous with accountability based on high-stakes testing. If students with disabilities are excluded from these accountability and assessment systems, they may not reap the benefits of school reform. In fact, schools continue to seek ways to exclude students with disabilities from testing, so the scores of these students do not depress the overall school rating. In schools with high numbers of students with disabilities, the raw scores may not appear to be as high, even though a closer examination may show that students are making significant progress. In other words, these data may not accurately reflect the school's success in educating the population of students with disabilities.

Many respondents emphasized that the ultimate purpose of assessment is to inform instruction and help teachers plan curriculum—a goal that is sometimes forgotten in the push for standardized testing. When students with disabilities are given tests aligned with their grade or age level, rather than their instructional level, the results are often of little educational value. Since many students with disabilities in the three districts are working below grade level, these tests reveal more about what students do not know than what they do know and may not capture steady progress these students are making. For a child with significant deficits, exposure to a test well above one's instructional level can also be frustrating and counterproductive to learning. Some people expressed further concern that test scores may not accurately reflect the abilities of children with disabilities, especially if they had not received much instruction in the general education curriculum.

Another concern was raised regarding the need to design valid test accommodations to facilitate the participation of students with disabilities in regular assessments. (Accommodations are alterations in test settings, schedules, presentation, or response modes that enable students with certain disabilities to participate in testing without changing the nature of the knowledge and skills being tested.) Often staff people feel inadequate to the task of designing such accommodations, and those trained in this process already have heavy case loads and major constraints on their time. Respondents also cited the need for more tests that have been validated for use with accommodations required by students with disabilities and for alternate assessments for students not able to participate in general testing.

Funding

- ❑ Inadequate funding is resulting in personnel and program cuts, compromising the delivery of quality services.

The need for a continued strong federal investment in special education was a major theme emerging from our review. School districts' resources have already been seriously diminished due to the large budget deficits faced by many states. Districts are being forced to lay off personnel and cut vital programs, such as alternative schools for students with behavior disorders, life skills training, and parent training.

The people we interviewed stressed that full federal funding, defined in the IDEA as 40 percent of the additional costs of educating children with disabilities, is critical to maintaining and improving the special education system. Although federal funding for the IDEA state grant program ("Part B") has increased over several budget cycles, the current funding level of 17 percent of these additional costs still falls far short of the 40 percent maximum. Full funding is essential to enable districts to maintain current services and improve and enhance the special education system.

In addition, funding has remained stagnant over these same budget cycles for the Part C grants, which provide early intervention services for infants and toddlers with disabilities, and for the Section 619 preschool grant program. All respondents supported a strong emphasis on early identification and early childhood education. In turn, they identified the need for an equally strong federal financial commitment to ensure that young children are identified in a timely manner, staff are trained to provide appropriate early childhood services, and children are prepared to enter school.

Issues of Lesser Concern

Certain special education issues that were highly controversial at the national level did not generate as much concern as expected among stakeholders in the three districts. These include the following:

Discipline

Most surprising was the lack of discussion about the hotly debated topic of student discipline. Although participants in our study recognized that behavior difficulties may affect academic success and acknowledged that a large number of students, especially African-American males, are referred to special education due to behavioral challenges, most did not see discipline as a critical issue in their districts. While respondents sought clarification of some current discipline provisions, most did not support changes that would reduce students' rights. In fact the '97 IDEA amendments have prompted educators in the three districts to examine more creative ways to keep students in school, rather than using suspension as the major disciplinary tool.

Respondents did express serious concern about the continued use of suspensions and "unofficial" suspensions (the practice of sending students home in the middle of the day and not counting this as a suspension). School administrators and teachers have been told that, after 10 days of suspension, other disciplinary alternatives must be found. In fact, the IDEA allows 10 days of suspension without provision of services and an unlimited numbers of suspensions beyond the 10 days. However, after the tenth day of suspension, educational services must be provided. In other words, the local districts are enforcing a very strict interpretation of the law. Perhaps this interpretation is due to the difficulties in determining, under current regulations, when a pattern of removal or a change in placement has occurred. Some respondents felt this interpretation had, in fact, resulted in more creative thinking on ways to keep students in their regular schools and classrooms and in an examination of alternative service options. This topic is explored more thoroughly in the case studies of each school district.

Overrepresentation of Minority Students

The issue of overrepresentation of minority students was not a main concern in the three urban districts, where the majority of students are minorities. In fact, some respondents felt that some students who need special education and related services were not being identified and served because educators were trying to be sensitive to possible overidentification of African-American males, in particular. Other participants in our study expressed concerns that linguistically diverse students are being underrepresented and inadequately served due to a lack of bilingual staff. In general, respondents felt that simply looking at the percentages of racial, ethnic, and linguistic minority students enrolled in special education does not present an accurate picture of the need for services. This issue is discussed further in the district case studies.

Vouchers

School vouchers, another highly charged political issue, received only one mention in all the interviews and forums, even though two of the three cities have private school voucher programs. Perhaps this is because parents of students with disabilities do not generally see private schools as an option, since those schools are under no obligation to enroll or provide services to children with disabilities.

Comparison with Issues Identified in the President's Commission Report

In October 2001, President Bush appointed the President's Commission on Excellence in Special Education. The Commission's charge was to examine current systemic and instructional practices in special education and make recommendations for improving the system. The Commission's report, issued in July 2002, is often cited in the current debate on IDEA, since most major educational and disability organizations have not yet adopted comprehensive positions on reauthorization.

Our findings from Chicago, Cleveland, and Milwaukee are similar to those of the President's Commission on some issues but diverge on others:

- **Qualified personnel, early intervention, and accountability.** Our findings about the critical needs for highly qualified personnel, early intervention, and accountability for student achievement are in basic agreement with the views of the Commission.
- **Funding.** Participants in our study emphasized the need for full funding of Part B of IDEA. Although the Commission supported increased funding for Parts B and C and the Preschool Grant program, it did not call for full funding of Part B.
- **Overrepresentation of minority students.** The Commission report highlighted the overrepresentation of minority students as a critical issue. Participants in our study did not view this as a primary concern, although they recognized there is room for improvement in identification and early intervention.
- **Discipline.** Neither the President's panel nor the participants in our survey viewed discipline as a major issue, in contrast to the amount of attention given that topic in the 1997 reauthorization. Our respondents agreed with the Commission that the discussion of discipline should be reframed to focus on the causes of behavior and how those behaviors affect learning.

Recommendations

To respond to the four main concerns raised in the three cities, the Center on Education Policy has developed four broad recommendations, along with sub-recommendations, for national leaders to consider in reauthorizing the Individuals with Disabilities Education Act. These recommendations are based on the suggestions of a large majority of respondents from a variety of stakeholder groups.

Qualified Personnel

1. The IDEA should include specific incentives to attract, retain, and develop highly qualified special education staff.

Recruitment and retention. According to the majority of people interviewed in the three districts, the answers to attracting and retaining qualified staff were financial and other incentives and better working conditions. Our interviewees proposed a number of specific ideas, listed below, for increasing the number of highly qualified special edu-

cation personnel. Although some of these suggestions are more appropriately targeted to school districts rather than federal policymakers, all are worth considering.

- ❑ Develop a loan forgiveness program for graduates willing to work several years as a special educator in an urban school district.
- ❑ Institute "teacher corps" programs and "empowerment zones" specifically aimed at attracting special educators to urban districts.
- ❑ Provide hiring bonuses to graduates to work in urban special education.
- ❑ Increase salaries for special education professionals.
- ❑ Provide "differential" pay for staff working in special education and bonuses to cover the extra time needed to complete paperwork and participate in IEP meetings.
- ❑ Grant bonuses for special education staff working in challenging environments.
- ❑ Offer tuition and professional development grants for ongoing staff training.
- ❑ Develop mentoring programs for new staff.
- ❑ Create federal incentive programs to train and hire:
 - bilingual staff, with a focus on teachers and school psychologists who have both language and special education expertise;
 - school-site counseling staff (school social workers, psychologists, and counselors); and
 - paraprofessionals to support students and classroom teachers.
- ❑ Develop incentive programs for universities to increase the number of special education faculty, so that more students can be trained.
- ❑ Eliminate barriers to hiring, such as residency requirements.

All interviewees, including professors of education, expressed the need to strengthen and refocus teacher pre-service programs to include a heavy emphasis on classroom-based experiences from the beginning. One suggestion for improving pre-service programs was to create or enhance partnerships between universities and the surrounding school districts, which would encourage on-site training and development of programs specific to the needs of the districts. One respondent suggested that education schools follow the medical school model, fashioning "teaching schools" after teaching hospitals. The pre-service curriculum for general education teachers should also prepare prospective teachers to work with students with more significant disabilities, who are now being included in regular classrooms instead of segregated in self-contained classes as they once were.

Professional development: All categories of stakeholders repeatedly emphasized the need to expand ongoing professional development for both general and special education staff as a fundamental strategy to improve the quality of instruction and other special education services. Interviewees emphasized that ongoing cross-training of gener-

al and special education teachers, administrators, related services personnel, paraprofessionals, parents, and support staff such as bus drivers, could help train these personnel to work better as a team and develop creative solutions to address student needs.

The people we talked to mentioned several critical knowledge areas and skills that should be the focus of ongoing professional development:

- ☐ Knowledge and understanding of:
 - ☐ disability characteristics;
 - ☐ statutory and regulatory requirements of the IDEA; and
 - ☐ cultural and linguistic differences.
- ☐ Development and implementation of pre-referral interventions.
- ☐ Translation of new educational research into classroom practice.
- ☐ Understanding of the influences of life events and family situations on student learning.
- ☐ Development of collaborative models among special and general educators, related services personnel, and paraprofessionals.

Early Identification and Intervention

2. Congress should increase the resources and attention devoted to early identification and intervention programs and to the training of personnel who provide these services.
 - ☐ National leaders should make a significant investment in the Part C program for infants and toddlers with disabilities and the Section 619 preschool program.

Respondents cited repeatedly the need for a greater investment in the IDEA early childhood programs to address potential barriers to learning, including developmental delays and mental health problems. Some of these funds should be targeted to better community and parent education about how to recognize signs of potential learning difficulties, so that children may be referred for services as soon as possible. Better education should be provided on the impact of poverty on early development and academic achievement.

- ☐ Additional resources should be provided for pre-referral intervention programs, either through general education or a dedicated special education funding stream.

Each of the districts studied has begun to implement a "pre-referral" model. In these models—described in more detail in the case studies—a school team discusses students identified as having learning problems and designs classroom interventions to ameliorate the problem. If the student does not progress after these interventions are implemented, the student may then be referred for a special education evaluation. The recent report of the President's Commission on Excellence in Special Education recommends a similar model, citing the importance of early screening, identification, and intervention. (*A New Era*, 2002.)

If properly implemented, pre-referral interventions are useful in determining which students need more intensive special education services and in helping students who are having trouble with reading and behavior to stay in general education. Without adequate resources, however, districts will not be able to expand these programs. Therefore, either general education funds or a specific special education funding stream must be designated for early intervention services.

The other critical issue in pre-referral intervention is staff training and "buy-in." Varying degrees of training have been provided in the three districts we reviewed, but all agreed that programs are only as successful as the ability of the team to develop the interventions and the ability of the classroom teacher to implement them. In schools where the building administrator and the staff have been trained and have seen the results of the pre-referral process, students are reaping the benefits. The reverse, unfortunately, is also true. Where personnel have not received appropriate training, supports have not been provided to implement the interventions; similarly, where building leadership is absent, the programs have been much less successful. In buildings where the process is working well, staff people have said, anecdotally, that there are fewer referrals for special education evaluation. However, since the programs are all relatively new, data collection is just beginning to corroborate that assumption.

- The IDEA should provide incentives to school districts to train and hire additional school-based mental health professionals and bilingual personnel.

The recent report *Minority Students in Special and Gifted Education* (Donovan, M., and Cross, C., editors, National Research Council, 2002) cites behavioral issues as the second most common reason for special education referrals. Stakeholders from the three cities agreed that this is a common reason for referral, especially among minority students. They offered as solutions hiring more school-based social workers, counselors, and psychologists who are trained in good classroom management techniques, in identifying and assisting students with behavioral and social and emotional problems, and in providing a healthier overall school climate, as well as expansion and enhancement of positive behavioral supports programs.

District people interviewed expressed concern about the small number of teachers and school psychologists with both language and special education expertise and also emphasized the need to provide additional training to all personnel in cultural and linguistic issues. More bilingual individuals are needed across all staff positions, both professional and paraprofessional.

Academic Accountability

3. The IDEA should provide more direction about the use of standardized assessments and other measures to track the progress of students with disabilities and to plan their curriculum and instruction.

The federal law should provide direction for developing accountability and assessment systems that appropriately measure the growth and progress of students with disabilities and provide a public accounting of those achievements. This will necessitate the development of standardized assessments validated for use with accommodations and of appropriate alternative assessments.

- The "initial evaluation" language of the IDEA should be expanded to require multiple assessments to be used to measure student progress, once eligibility for special education has been established.

As many respondents noted, it goes against good teaching and testing practice to put too much emphasis on one or two standardized tests. Rather, teachers need information from a variety of measures, including strong classroom observation and regular informal assessment, to make the kinds of day-to-day adjustments necessary to help students understand and master the curriculum. The IDEA requires schools to use a variety of assessments to evaluate a student's eligibility for special education, a provision that could be extended to require the use of multiple assessments to measure a student's progress once services begin.

The emphasis currently placed on standardized assessment in general school reform also contradicts a major tenet of special education—individualization—as reflected in the federal requirement for schools to address the unique educational needs of every child with a disability through an Individualized Education Program (IEP). Under current law, each IEP must contain measurable goals and objectives and must be reviewed at least annually, with progress reports sent to parents of students with disabilities at least as often as to parents of non-disabled children. If current law is properly implemented, ongoing meaningful assessments of student progress should be an integral part of the educational process for students with disabilities.

- The IDEA should give school districts the latitude to administer standardized tests at the student's instructional level, rather than grade level, as determined by the student's teacher and IEP team, and should ensure that standardized test results are used to inform curriculum and instruction.

Respondents suggested that, while aligning tests to state standards is considered appropriate, schools should be allowed to give tests at the students' instructional level, rather than their grade or age level. Under the NCLB, school districts must identify schools in need of improvement based on the number of students meeting proficiency levels on state standardized tests. For students with disabilities—and indeed for all students—these tests should be used to inform staff about students' strengths and weaknesses and how best to modify curricula to produce academic success.

Funding

4. Congress should fully fund the IDEA, so that states can meet the letter, intent, and spirit of the Act.

All stakeholder groups in the three school districts listed full federal funding of the IDEA as a critical component in the districts' ability to provide high-quality special education and related services and to achieve improved outcomes for students with disabilities.

Participants in our study identified several components of the special education system that would benefit from a strong federal investment in the IDEA. A number of these needs are discussed in detail in the previous recommendations and in the case studies of the three districts. Full funding of the IDEA is necessary to provide:

- Early identification and early intervention services.
- Increased and enhanced early childhood programs.
- Reduced class size and caseloads.
- Incentives to attract and retain qualified personnel, including teachers, related services personnel, special education administrators, and paraprofessionals.
- Parent training.
- Alternative placements for children with behavior disorders and school-wide positive behavioral support programs.
- After-school, extended-day, and extended-year programs.
- School- and community-based life skills and vocational training.
- Technology, both computer-aided instruction and assistive technology devices.
- School repair, renovation, and construction.

II.

Case Studies of Special Education in Chicago, Cleveland, and Milwaukee

CHICAGO PUBLIC SCHOOLS

The third largest school district in the nation, the Chicago Public Schools (CPS) are poised to move into their third phase of school reform. CPS was one of the first districts to decentralize some of its governance functions. Recent policies have been instituted eliminating social promotion and encouraging smaller school communities. CPS just released a new education plan, reorganizing the system's six school regions into 24 "instructional areas," with an "academic instructional officer" to oversee each region. New and ongoing improvement activities include the Human Capital Initiative to address chronic teacher shortages and the Renaissance Initiative focused on re-configuring low-performing schools. (Introductory Letter from CEO Arne Duncan, *Fiscal Year 2003 Final Budget*, June 26, 2002.)

Despite its long history of innovation, beginning in 1988 with a major restructuring of the school system, Chicago still battles some serious special education concerns. Among its continuing challenges are attracting and retaining qualified personnel and reducing the achievement gap between students in special and general education, even as general education achievement is on the rise.

What's Working in Special Education?

When we asked participants in our study about what works in the Chicago special education system, a large percentage said that the system has great potential to produce good results, especially if the federal government will address the complexity of the regulations. Respondents pointed specifically to the district's improvements in the identification and referral and IEP processes, better training for staff, and a push toward ongoing classroom assessment involving collaboration between teachers and related services personnel.

Other areas of strength cited by respondents included:

- Increased general and special education team teaching.
- Pre-screening and early interventions before referral to special education.
- Multidisciplinary approaches to identifying problems and crafting solutions.

The people we talked to identified a number of improvements in special education programs since the 1997 reauthorization of IDEA. They highlighted increased emphasis on aligning special education with the general education curriculum and greater awareness of special education issues among general educators and administrators. Several people also cited the district's greater efforts to keep students with disabilities in their neighborhood schools, while others focused on greater parent involvement in the process.

Current Compliance

Each of the three districts qualified the positive aspects of special education and improvements with the caveat that compliance with the law remains a major and serious concern. Parent advocates stated that there continues to be weak enforcement from the federal to the state level and from the state to the local level. Some participants suggested having building level advocates for students with disabilities and monitoring compliance with IDEA requirements at the individual school level. Some felt that even with more funding and more personnel, appropriate services would not be provided.

Several respondents gave strong statements regarding widespread non-compliance with students' rights. Others stressed the need to be cautious regarding simplifying and streamlining provisions of the law and decreasing paperwork, noting that any changes in the law or reduction in documentation must not compromise students' and families' rights.

Some interviewees emphasized the need to ensure that parents receive training in the procedural aspects of the law and that families have easier access to advocacy assistance.

A Snapshot of the Chicago Public Schools

DEMOGRAPHICS

The Chicago school district serves 438,000 students, about 90 percent minority. Enrollment has increased almost six percent since 1995. African-American students accounted for 51.3 percent of the population at the beginning of the 2001-02 school year. Hispanic students were 35.8 percent of the total, and Asian and Pacific Islander students comprised 3.2 percent. In 2000-01, approximately 85 percent of CPS students were from low-income families, a decrease of 0.3 percent from the previous year. (*Fiscal Year 2003 Final Budget, Chicago Public Schools.*)

CPS serves 57,000 students with disabilities, or 13 percent of the total enrollment. Fifty-seven percent of students with disabilities are African-American, 29.4 percent Hispanic, 12.1 percent White, 1.4 percent Asian, and 0.2 percent Native American. (Chicago Public Schools, Data as of 2/2/02.)

CPS employs 23,000 teachers, including 4,000 special education teachers, as well as 2,700 paraprofessionals and 1,500 related services personnel. Students attend 600 schools operated by CPS. In addition, 116 other agencies operate schools attended by CPS students, including 5 alternative schools for students with disruptive behavior, 26 alternative schools for students who have dropped out, 15 charter schools, and 70 private special education schools.

GOVERNANCE

In 1988, state legislation inaugurated the first phase of governance reform in CPS, a system of local school control. Beginning in 1989, Local School Councils (LSCs) were elected, each with six parents, two teachers, two community members, the principal, and, in high schools, one student. These bodies were given a large role in developing and approving the local school budget and the power to hire and fire the building principal. (Chicago Public Schools, April 2002.) LSCs are also responsible for helping the principal develop the School Improvement Plan for Advancing Academic Achievement (SIPAAA). The SIPAAA indicates how the school will meet student needs and how federal and state grant funds will be used and is the basis for all school activities. (*Budget Handbook for Schools*, Office of Management & Budget, Chicago Public Schools, March 2002.)

On a practical level, not all the LSCs have been successful, and attracting candidates to serve has become more difficult. About one in five LSCs eventually disbands or is unable to fulfill its responsibilities. While two-thirds of schools have either benefited or shown progress under this system, the remainder have not. (Consortium on Chicago School Research, as reported in the *Chicago Fed Letter*, No. 153a, May 2000.) Solutions to improve the system include ongoing training for LSC members and the addition of community members with expertise in areas such as finance and management. (Chicago Ponders How to Balance Governing Power, *Education Week*, April 25, 2002.)

Parent respondents noted that LSCs were urged to establish special education committees within the Council framework. Respondents said parents in schools that did not establish such committees had a diminished voice in special education planning.

The second wave of governance reform, which occurred in the 1990s, gave the Mayor of Chicago control over CPS and the authority to appoint what is now a seven-member Board of Education and the district's Chief Operating Officer. (*Budget Handbook for Schools*, CPS, March 2002.) Following those changes, CPS imposed more accountability on administrators and schools through mandated performance standards and standardized testing, probation for some schools, and reconstitution of others. The addition of specialized magnet schools and other selective enrollment programs expanded students' educational choices. (Consortium on Chicago School Research, as reported in the *Chicago Fed Letter*, No. 153a, May 2000.)

One of the centerpieces of the third reform phase is the Renaissance Schools Initiative. Under this program, three low-performing elementary schools have been closed, based on their scores on the Illinois Standard Assessment Test and the Iowa Test of Basic Skills, continuing probationary status, and poor annual progress. Two of the three schools will reopen in September 2003 as "Renaissance Schools," while the third will remain closed. Renaissance Schools will feature accelerated learning programs and creative instructional techniques developed with community input. Innovative practices will be considered, such as year-round schooling, longer school days, and new technology. Each year more schools will be selected as part of this initiative. (Chicago Creates New Model To Fix Low-performing Schools, *Urban Advocate*, July/August 2002.)

BUDGET

State funding to CPS has been cut by \$33 million for FY 2003, making increased federal funding even more critical. (Duncan, 2002.) With increases in teacher salaries, rising health care costs, and costs for capital improvements, the district administration has been forced to make some difficult budget decisions, including cutting some non-teaching positions.

Special education training is one area identified by the administration for budget cuts. However, special education will receive a slight increase from \$420 million in FY 2002 to \$446 million in FY 2003. This represents approximately 30 percent of the total FY 2003 budget of \$1.43 billion. (FY 2003 Budget Analysis, The Civic Foundation, 2002.)

SPECIAL EDUCATION IN CPS: TEACHING STUDENTS WITH DISABILITIES IN THE LEAST RESTRICTIVE ENVIRONMENT

Some changes underway in the CPS special education program are a result of a federal class action suit filed in 1992. (*Corey H., et al. v. Chicago Board of Education and Illinois State Board of Education, et al.*, No. 92 C 3409 (N.D. Ill. 1992).) The suit, filed on behalf of 40,000 students with disabilities then enrolled in CPS, alleged violations of the least restrictive environment provision (LRE) of the IDEA. (Soltman, S., and Moore, D., *Ending Illegal Segregation of Chicago's Students with Disabilities: Strategy, Implementation, and Implications of the Corey H. Lawsuit*, Conference on Minority Issues in Special Education, The Civil Rights Project of Harvard University, Massachusetts, Nov. 17, 2000.) LRE requires that students with disabilities be educated with non-disabled students to the maximum extent appropriate. Segregated classes, separate schools, or other removals from the regular education classroom should occur only when "the nature or severity of the disability" is such that, even with supplementary aids and services, the student cannot be served in the regular classroom. (Individuals with Disabilities Education Act, 20 U.S.C. §1412(a)(5), 1997.)

In February 1998, the Court ruled that students with disabilities in CPS were too often segregated in violation of LRE. Further, the Court said teachers did not understand the statutory provision, nor were they adequately trained to teach in the LRE. The Court also ruled that the Illinois State Board of Education had failed to monitor and enforce LRE and that the categorical system of special education teacher certification was a contributing factor to LRE violations. Settlement agreements with the Chicago Board of Education and the Illinois State Board of Education were finalized in January 1998 and June 1999 respectively, and the Court will monitor these agreements at least through January 2006. (Soltman and Moore, 2000.)

What these settlements have meant for CPS is a basic reorganization of the way it delivers special education. Schools must address LRE in their school plans, and in turn they are eligible to receive professional development and technical assistance to implement those plans. CPS has committed significant funds, according to the settlement agreement, to give schools the support they need to make these changes.

In 2000, state monitors began oversight with visits to 25 schools, and the process will continue through 2005-06. Schools are selected based on a number of criteria, but those with a disproportionately high number of students with disabilities in restrictive settings are specifically targeted. Formal complaints about placement may also trigger monitoring visits. (Inclusion Monitors Fanning Out, *Catalyst*, June 2000.)

CPS was also ordered to address the wide variation in the numbers of students with disabilities across schools in the system. Schools must have special education enrollments within five percentage points of the citywide average by June 1, 2005. No school may have a special education population of more than 20 percent. (*Catalyst*, June 2000.) Some respondents expressed concern that the intention of *Corey H.*, in fact, is to reduce the number of students in special education. They stated that with the number of students in Chicago living in poverty, higher enrollments in special education should be expected. Other participants in our study were concerned that the push for LRE would limit more restrictive options that may be more appropriate for some students. Parent respondents focused on the importance of the LRE provisions and the improved direction of the system since the settlement.

One of the major initiatives to correct problems identified by the Court is the change in state certification for special and general education teachers. Previously, special education teachers received endorsements in a specific disability area. As a result of *Corey H.*, teachers are now certified to teach in all areas of disability, except in the areas of hearing and vision impairment for which separate certificates are still granted. The Court ruled in *Corey H.* that teachers were not prepared to address a variety of disabilities in the LRE. This ruling resulted in new requirements to ensure teachers are trained to teach students from all categories of disability and are instructed in how to educate students in the general education classroom setting.

Under separate state reforms, all teachers must now submit a recertification plan to indicate areas of continuing professional development. Both general and special education teachers will be affected by the new requirements:

- For general education teachers, at least 20 percent of continuing professional development credits needed for certificate renewal must be devoted to topics on serving students with disabilities in the LRE, such as adapting and modifying curricula, both generally and as related to the Illinois Learning Standards; managing student behavior; and using team teaching.
- For special education teachers, 50 percent of credits required for certificate renewal must be in activities that help teachers meet the needs of students with disabilities.
- Special education teachers will receive a Learning Behavior Specialist I (LBS I) endorsement, with required coursework in diagnosis and characteristics of all disabilities covered by the endorsement, i.e., students with learning disabilities, emotional disability, mental retardation, physical handicaps, traumatic brain injury, and autism.
- Short-term emergency certificates, valid for three years, will be given to teachers completing a survey course on exceptional children and another of the courses currently required for an approval. Within three years, these teachers must meet the requirements for the LBS I certification.

A report issued in June 2002 addresses the effect of the elimination of social promotion on LRE. (Miller, S., and Gladden, R., *Changing Special Education Enrollments: Causes and Distributions Among Schools*, Consortium on Chicago School Research, June 2002.) Students in CPS are retained under this policy in grades 3, 6, and 8 if they fail to meet established cut-off scores on standardized tests. Those students turning 15 by December 1 of the next school year are sent to Academic Preparatory Centers to assist them in meeting proficien-

cy levels. This policy resulted in a major increase in students with disabilities in the ninth grade between 1993-94 and 1999-2000. Researchers also found that students with disabilities were not evenly distributed across the types of high schools. In fact, the majority were in neighborhood schools, most of which were in high poverty areas and were on probation in 1999-2000 due to poor reading scores. Schools with selective enrollment policies, such as magnet schools and other specialty programs, had very low enrollments of students with disabilities. Respondents reported that some neighborhood schools have 25 to 35 percent students with disabilities, because many of the top achieving students opt for magnet and other specialized programs. In effect, students with disabilities were being segregated in low-performing schools, counter to the ruling of the Court in *Corey H.* To address this problem, the administration has pushed selective-enrollment schools to accept more students with disabilities, and preliminary data for 2000-01 seem somewhat promising. (Bunching of Special Ed Kids Faulted, *Chicago Sun-Times*, July 29, 2002.)

A Closer Look at Special Education in Chicago—Stakeholder Perspectives

1. SPECIAL EDUCATION AND SCHOOL REFORM

Student Assessment

The No Child Left Behind Act requires that all students be tested annually in third through eighth grade and once in high school, using assessments aligned with the state's academic standards. IDEA '97 required states to develop performance goals and indicators for students with disabilities aligned as much as possible with standards for general education students.

CPS tests its students on both the Illinois state learning standards and the Chicago Academic Standards (CAS). CAS applies to all students in CPS—including students with disabilities, unless the IEP team determines otherwise—and defines knowledge and skills for every grade level. Students with disabilities for whom the Illinois Standards Achievement Test and the Prairie State Achievement Test are deemed inapplicable, even with accommodations, are assessed through the Illinois Alternate Assessment, a portfolio of student information collected throughout the school year.

Two of the examinations administered by CPS are the Iowa Tests of Basic Skills (ITBS) and the Tests of Achievement and Proficiency (TAP). "Traditional reporting" data include all students without disabilities and students with disabilities categorized as "other health impaired," "physically disabled," or having speech/language disabilities. Data are also reported for students with disabilities tested with no or minor accommodations. According to participants in our study, the transient nature of the student population makes it difficult to compare assessment data, since the same students are not necessarily being measured from year to year.

The following data are a comparison of the two categories of students in Chicago mentioned above on the ITBS and the TAP. On the 2002 ITBS reading comprehension test, 18.7 percent of students with disabilities in grades 3-8 scored at or above the national norm, while 43.2 percent of general education students achieved at that level. On the ITBS math

test, 20.2 percent of students with disabilities scored at or above the national norm, and 46.9 percent of general education students met that level of achievement. On the TAP reading comprehension test administered to ninth and tenth graders, 7.5 percent of students with disabilities achieved at or above the national norm, while 35.5 percent of general education students scored at that level.

Education Reform and Students with Disabilities

We asked interviewees in Chicago what role special education played in the district's goals of higher academic achievement for all students and in overall education reform. Respondents noted that until recently the standardized test scores for most categories of students with disabilities were not included in the overall data and that *Corey H.* requires data to be disaggregated. Others were concerned that alternative assessments were not being properly implemented. Still others said that including *all* students in testing and accountability measures is a new concept, but they were pleased that CPS has recognized the need to test and measure progress for students with disabilities.

While all respondents said it was important to instill accountability and raise the academic bar for students with disabilities, some expressed concern that state tests were administered at the student's chronological, rather than instructional, level. Those respondents felt that tests measured what the students did not know, rather than informing teachers about progress or areas of academic strength. They also stated that just exposing students with disabilities to the general education curriculum was not sufficient. Education personnel need to be aware of and understand language needs and other disability characteristics that may affect students' ability to learn the curriculum.

Many people we talked to observed that special education has been given greater visibility in decision-making on school reforms. In fact, one person said that the "culture" of the way people view special education has evolved considerably since reforms began in the 1990s. Part of this change involves looking at curriculum-based assessments as they relate to academic achievement and identifying and providing what students need to be successful.

Despite these positive steps, some participants also noted that a silo mentality between programs continues to exist, with little attention to a comprehensive approach to serving students. They suggested looking at overall school improvement, rather than just improvements in special education. Participants also suggested that policymakers seriously consider how to closely align the NCLB and the IDEA during the upcoming IDEA reauthorization.

A lack of data on students with disabilities still causes concern for some respondents. They suggested collection of data on indicators such as rates of graduation, dropout, and promotion, in addition to strict academic achievement data.

Recommendations

When asked to suggest changes in the IDEA that would bring students with disabilities into school reform measures, respondents offered the following recommendations:

- More trained professional and support staff.
- Parent education.

- Cross-grade testing used to measure strengths and address student weaknesses.
- Use of a variety of measurements of progress.
- Collection of outcome data.

2. CRITICAL ISSUES IN SPECIAL EDUCATION

a. Early Identification and Intervention

The Chicago school district endorses several early intervention models, including ongoing curriculum-based assessment focused primarily on reading and behavior, as well as more formal intervention models.

Intervention Assistance Teams

Classroom teachers may refer a student experiencing difficulties to the Intervention Assistance Team (IAT). The IAT provides classroom interventions for students who need special assistance before they are considered for special education evaluation. Although the individual school determines team membership, generally the team is composed of the classroom teacher, a special education staff member, and the principal or designee. Parents also are usually invited, and, in the case of non-English speaking families, staff members who speak the native language may also be included. As school staff are trained in school-based problem solving (see next section), that model replaces the IAT.

School-Based Problem Solving

School-based Problem Solving was developed to address the needs of students who are having difficulty in the regular classroom but may not be eligible for special education services. Initially, the program was voluntary, but now it is mandated in all schools by the 2003-04 school year. At that juncture, schools will have to document that other interventions have been tried before referring a student for special education evaluation, unless the referral is clearly warranted.

Facilitators work with principals to identify "key personnel" to receive training in curriculum-based assessments in reading and math and in behavioral interventions. Key personnel may include teachers, counselors, psychologists, nurses, and social workers. Facilitators also provide additional ongoing training, as needed. The school receives support from the district for several years and then is expected to assume responsibility for implementing the model.

Key personnel assist the teacher in identifying problems and in conducting curriculum-based assessments. After assessments are completed, interventions are developed based on a four-level hierarchy of intensity. Level Four interventions signal eligibility for special education services. (*School-based Problem Solving*, CPS, 2000.) The Court-appointed monitor under *Corey H.* has required CPS to make clear that special education referrals may be made at any time in the process or without using the process at all.

Half of those interviewed expressed some level of concern about current implementation of the problem solving model. Several felt that staff and parents were discouraged from pursuing special education referrals, even if the interventions did not seem to be working, and they reiterated that a special education referral could be made at any time in the process. Others felt students lingered too long without any interventions. Some stakeholders said that students could sometimes miss at least half a year of appropriate services while teachers documented unsuccessful interventions and then initiated a special education referral. Others cited untrained staff and lack of resources to implement the program.

When asked about the impact of School-based Problem Solving on the number of referrals for and placements in special education, again respondents expressed concerns. Schools are required to submit monthly reports on the number of special education referrals initiated. Respondents believe that the number of students in special education is not the issue, but rather whether all students who meet the eligibility requirements are receiving services. Another group of interviewees said that there had not yet been an appreciable decrease in the number of students referred for special education evaluation.

Some said the model provided the impetus for teachers to try a variety of classroom strategies. Those same respondents also indicated that the contacts with parents outside the special education system often were more positive. A number expressed the hope that with better implementation of the model, better results would be realized.

Recommendations

When asked for recommendations to improve and enhance early identification and interventions for students experiencing problems, stakeholders offered the following:

- Greater investment in early childhood programs and earlier identification of problems.
- Increased training in identification of problems and in development and implementation of interventions.
- Training in cultural and linguistic diversity and assessment.
- Additional related services staff, such as school social workers, psychologists, counselors, and nurses, to address behavioral and mental health barriers to learning.
- More and better intervention services in general education.
- Supports affecting changes in home and school environments that will enhance students' ability to learn.

b. Disproportionate Representation of Minority Students

The Chicago school district is taking steps to ensure that minority students, including those with limited English proficiency, are accurately identified for special education. Students whose first language is not English are tested when they enter the system on their ability to listen, speak, read, and write in English. Students in bilingual programs are tested in grades K-2 annually in reading, writing, and listening. Tests are used to monitor progress and to plan instruction. Students in the first three years of the bilingual program take the Illinois

Measure of Annual Growth in English in lieu of the Illinois Standards Achievement Test. As with all CPS testing, the IEP team determines what tests are appropriate for limited English proficient students with disabilities.

CPS has specific procedures, outlined in the "Bilingual Special Education Manual," for evaluating English language learners who exhibit learning difficulties. When learning difficulties arise for English language learners, the School-based Problem Solving Team or the IAT is directed to consider if language or cultural factors are contributing to the problems. The team determines if the problems can be addressed by the bilingual/ESL services in the general education curriculum and, as part of that determination, examines socio-cultural factors that could contribute to the difficulties. The team should include "staff knowledgeable about the student's language and cultural background" and "staff knowledgeable about programs and services available for English language learners." (*Bilingual Special Education Manual*, CPS Office of Specialized Services, August 2002).

The case manager completes a "Language Use Pattern and Cultural Background Profile." On this form, the case manager indicates the language or languages spoken in the home and the language or languages used with greatest comfort and frequency by the student. The profile also addresses proficiency in English and other modes of communication used as a substitute for expressive language. This information should be gathered and used to develop general education interventions.

If the student continues to experience difficulties after several general education interventions have been introduced, a special education evaluation will be considered. Again, the information on the language profile will be used, as well as assessments of oral language, reading, and writing skills in English and the student's native language.

Most informants indicated the district was sensitive to cultural and linguistic issues and cited the effects of poverty, low birth weight, and poor early language developments as reasons why a higher percentage of minority students were involved in special education in urban school districts.

Bilingual staff people are available to assess non-English speakers. However, respondents indicated that there is a shortage of staff with expertise in both language and assessment. More Spanish-speaking personnel are needed, since the Hispanic population is the fastest-growing minority in Chicago. Families are also interviewed in their native language and students in their primary language.

Behavior is cited as the second most prevalent reason for referral to special education, particularly for African-American males. (National Research Council, 2002.) CPS has instituted the Positive Behavioral Interventions and Supports model (PBIS) in several of its schools. Respondents supported expansion of PBIS to other schools.

Impact of Interventions on Special Education Referrals

Some concerns were expressed that CPS was overly cautious in identifying limited English proficient students for special education and that, in fact, students sometimes do not receive services in a timely manner. The shortage of bilingual staff has resulted, some respondents believe, in under-identification of Hispanic students. Others felt that students were under-

served, again due to the lack of bilingual staff. Many felt that minority students needed these services, and the number of minority students identified should not be the concern.

Where problem solving is being appropriately implemented, according to a cross-section of stakeholders, staff members have had some success in distinguishing special education needs from language and cultural issues. These stakeholders supported bringing together staff to discuss the student's performance, including language and cultural differences, and to try other interventions before referral for special education evaluation.

Recommendations

A majority of respondents identified staff training as critical to appropriately addressing minority students' academic and behavioral needs. They cited repeatedly the need for more trained bilingual staff, especially school psychologists and others involved in assessment. More bilingual special education teachers are also needed, as well as continuing professional development for current staff on cultural and linguistic issues. Respondents expressed a great deal of frustration about the lack of solutions to address these critical shortages.

c. Attracting and Retaining Personnel

Respondents in the three districts included in this report gave almost identical answers when asked what factors contribute to staff turnover and difficulties attracting new hires. These factors are discussed in detail in the Recommendations section. This section elaborates on some concerns specific to Chicago.

CPS has over 300 vacancies in special education, or about eight percent of the special education teaching staff. CPS also must hire another 100 speech-language pathologists to meet state ratios by September 2003. (Respondent interview.) Illinois currently produces more teachers annually than districts can hire. However, in shortage areas such as special education, the reverse is true. Between 1976 and 2000, Illinois produced 50 percent fewer certified special education teachers. The Chicago area has just two universities offering bachelors' degrees in special education, and those institutions graduate only around 50 students per year. A third school just instituted a program in 2002. In addition, no alternative certification programs in special education are available in the Chicago metropolitan area. As supply has remained flat, demand for new personnel has continued to rise. (*Educator Supply and Demand in Illinois*, 2001 Annual Report, Illinois State Board of Education.)

CPS has several initiatives to address general staff shortages. The Human Capital Initiative is a collaborative effort among CPS, Chicago Teachers Union, Chicago Principals and Administrators Association, the Local School Councils, universities, and foundations. The project focuses on recruitment; induction and early development; retention and talent management; and school leadership. Collaborative efforts have resulted in the creation of a system to prioritize university recruitment efforts, development of recruiting messages, and a campaign dispelling myths about CPS. CPS has also begun to form long-term partnerships with the deans of the local schools of education. (Human Capital Initiative, CPS, 2000.)

CPS participates in federal efforts such as Troops to Teachers, training military retirees and career changers to be teachers. Another effort, Grow Our Own, is aimed at CPS high school students who wish to explore a teaching career. Students are mentored, provided assistance in selecting colleges with strong education programs, and may receive scholarships.

According to stakeholders, new certification requirements resulting from *Corey H.* may have an effect on teachers currently in the system and on CPS's ability to attract new teachers. Many teachers currently in the system were not trained in a cross-categorical model, and retraining will require an investment of time and resources that some may be unwilling or unable to give. In addition, according to some participants, general education teachers currently holding special education certification sometimes hide that fact, because special education has become such a difficult assignment.

Respondents also cited the Chicago residency requirement for teachers as a factor in attracting new hires. Annually CPS determines critical "special needs areas" and grants one-year waivers of the residency requirement. Special education has been declared a "special needs" area. However, the waivers have not produced a large number of applicants. (Resolution 01-1219-RS23, Chicago Board of Education, Dec. 19, 2001.)

d. Discipline

Interviewees were asked to comment on how discipline policies have changed since 1997, the practical effects of those changes, and what recommendations they have for this reauthorization. The issue of discipline seemed to provoke the most differences of opinion, but no one identified the IDEA disciplinary provisions as a major concern for the school district. Several respondents identified general "zero tolerance" policies as contributing more to the problem than the IDEA. Responses to questions about the discipline provisions of the 1997 IDEA ranged from a belief that these provisions had caused a backlash against students with disabilities to the conviction that the '97 discipline amendments were fine and should be maintained.

After 10 cumulative days' suspension for students with disabilities, one individual in the system is charged with determining if a change in placement has occurred or if the student may be suspended again. (Respondent interview.) However, some teachers, parents, and administrators we talked to said that students with disabilities could not be suspended again after the 10 days were up. Reactions to this policy interpretation provoked feelings of frustration from some about how to address behavioral problems in the classroom and satisfaction from others that staff was more often investigating the causes of the behavior. One respondent suggested a uniform discipline policy of a maximum of 15 days' suspension for *any* student and noted that general education students would have difficulty meeting the academic expectations of NCLB if they could be suspended for unlimited periods.

Several respondents felt that too many students with disabilities were being suspended and for less serious offenses. Others stated that zero tolerance policies were responsible for the increase in suspensions and felt the interaction between IDEA and zero tolerance policies was unclear.

Recommendations

Participants in our study urged policymakers to simplify these provisions. However, their responses were qualified by their concern for maintaining students' rights. Other recommendations included expanding school-wide Positive Behavioral Interventions and Supports programs across the district and providing ongoing staff training on behavior management and strategies.

e. Funding Priorities

Respondents were asked to list spending priorities, if CPS were to receive a substantial increase in federal IDEA funds. The following are ranked in order of greatest need identified across stakeholder groups:

- Training for school staff on special education issues.
- Hiring of more and better trained staff, including teachers, related services personnel, and paraprofessionals.
- Reduced class size.
- More classroom supports, including instructional technology.
- Improved transition planning and vocational and job training.

CLEVELAND MUNICIPAL SCHOOL DISTRICT

After several decades of serious problems, the Cleveland Municipal School District (CMSD) began a major turnaround in the late 1990s. CMSD has had to tackle racial segregation, financial problems, segregation of students with disabilities, an excessively high suspension rate, and very poor academic results. Through strong partnerships with the teachers' union, local universities, and foundations, CMSD has developed innovative programs to reduce suspensions and improve attendance, increase the number of students meeting state academic standards, and ensure the financial health of the district.

With a push to return students with disabilities to neighborhood schools, attention now is focused on improving the identification process, building capacity in each school to ensure appropriate services are available, and developing inclusion plans to serve students in regular classrooms to the greatest extent possible. (Fixing Special Education, *Catalyst for Cleveland Schools*, April/May 2002.)

What's Working in Special Education?

The improvement since the 1997 IDEA reauthorization that interviewees cited most frequently was a heightened awareness and "ownership" of special education among district educators and the accompanying attitude that *all* students in the system are *everyone's* responsibility. Other responses followed this theme, focusing on better-written IEPs, more professional development on inclusion, and more emphasis on student support and less on process.

Almost half of the respondents, when questioned about what works well in special education, cited increased access to the general education curriculum and inclusion of students with disabilities in general education classrooms. A few noted that the degree and success of inclusion is dependent on building administrators and staff and their understanding of the process.

Others cited the Intervention-Based Assessment process, a pre-referral intervention model discussed in more detail later in this report. Several respondents stated that the IEP process, particularly the role of parents, also seemed to work well, and others noted the strong partnerships between CMSD and area universities.

Current Compliance

Despite the successes and improvements noted by respondents, a number of interviewees and forum participants stated that compliance with the law continues to be a serious issue. Parent advocates expressed concern that inner city families lack access to effective advocacy assistance and to training in understanding the procedural requirements of the law.

Other respondents focused on the continuing paperwork burdens. They suggested streamlining some processes, such as re-evaluation, while maintaining students' rights. They also indicated that time spent on paperwork and administrative duties meant less time for direct services to students.

A Snapshot of the Cleveland Municipal School District

DEMOGRAPHICS

The Cleveland Municipal School District serves around 72,000 students, of which more than 80 percent are minorities. For school year 2000-01, 71.1 percent of these students were African-American, 20 percent were White, 8.3 percent Hispanic, 0.7 percent Asian, and 0.04 percent Native American. Over 60 percent were from low-income families. (Ohio Department of Information Management Services, Oct. 2000.)

The district serves approximately 10,000 students with disabilities, 14 percent of the total school population. For 2000-01, of the total number of students with disabilities, 65.2 percent were African-American, 26 percent White, 7.5 percent Hispanic, 0.4 percent Native American, and 0.2 percent Asian.

The graduation and dropout rates for students with disabilities and general education students, as reported for 2000-01, were almost identical. CMSD reported a graduation rate for students with disabilities of 37 percent and 36.10 percent for general education students. The dropout rate was 63 percent for students with disabilities and 63.9 percent for general education. (Ohio Department of Education, 2001.)

GOVERNANCE

Cleveland's current governance structure became effective in September 1998. Prior to that date, the school district's governance was affected by court-ordered desegregation in 1988 and U.S. Circuit Court action in 1995 ceding control of the city's schools to the state. During the mid-1990s, the number of students ineligible to graduate rose, and student attendance dropped. A pilot voucher program was initiated in 1996, and a move to decentralize the system through establishment of School Governance Councils occurred that same year. (Cleveland School Reform Timeline: 1988-1999, *Catalyst for Cleveland Schools*, 1999.)

In 1997, the state legislature transferred control of CMSD to the mayor. In 1998, the mayor replaced the elected school board with a nine-member appointed Board of Education. At least four of the members must have expertise either in education, finance, or management, and the presidents of Cleveland State University and Cuyahoga Community College serve as ex officio members of the Board. The Board functions as the governing body for the district, with responsibilities for formulating policy, budget, and accountability standards and promoting involvement of families and community in the school system. (CMSD website, 2002.) In a November 2002 referendum, 72 percent of Cleveland voters supported the continuation of mayoral appointment of the school board. The measure passed overwhelmingly, with only three precincts out of more than 400 opposing the initiative. (Money: Next Issue for City's Schools, *Cleveland Plain Dealer*, Nov.

7, 2002.) The Cleveland Teachers Union and the local NAACP, both at first opposed to mayoral control, supported continuation of the appointed school board. (Voters Leave Cleveland Schools in Mayor's Hands, *Cleveland Plain Dealer*, Nov. 6, 2002.)

Cleveland's School Governance Councils, although part of the original "Blue Print for Reform" developed in 1996, have not been major players in governance reform. The eight schools originally selected to pilot the program in 1996 finally elected their councils in 1998. Modeled after the Chicago local school councils, each council was composed of the principal, four parents, four teachers, a non-certified staff member, a community representative, a corporate partner representative, and, in high schools, two students. Councils were charged with developing strong partnerships with the community, participating in setting school policy, hiring the principal, and establishing and managing the school budget. (Ryan, P., Lessons From a Paradox: The Call for 'Community' and the Resurrection of Bureaucracy in Cleveland's Public Schools During the Late 1990s, *Education Next*, Winter 2001.)

The Cleveland model included a new twist: the union contract included the responsibilities of the school councils, thus giving the councils the imprimatur of a legally binding contract. Despite this stamp of approval, only a few of the original eight councils were somewhat successful, and gradually more control has returned to the central administration. Top-down reform has been seen by some as critical to correcting some of the longstanding and entrenched problems in the district. (Ryan, 2001.)

SCHOOL CHOICE

CMSD is organized into six regions under the leadership of regional superintendents. In addition, 10 new academic administrators have been hired to provide additional supports to building administrators. One of the six regions houses the CEO schools. These programs, initially under the direct supervision of the CEO, are directed at improving the lowest performing schools. Alternative and options programs comprise another region. Among these alternatives are several clinic- and hospital-based programs for students with physical and mental health problems. Several residential programs support students with behavioral and emotional problems who have not been successful in the regular school environment. Students may also be served in magnet programs and charter schools, known in Ohio as community schools.

Cleveland's Education Scholarship program has received considerable press, with the Supreme Court decision in June 2002 ruling the program constitutional. (*Zelman v. Simmons-Harris*, 536 U.S. 1751 (2002).) Surprisingly, none of the respondents interviewed for this report mentioned school vouchers. The principal investigator for this report was unable to find any studies specifically on the acceptance of students with disabilities to Cleveland private schools under the Scholarship Program.

BUDGET

The FY 2002 CMSD budget was \$662.6 million. Of that total, 14 percent, or \$95.3 million, was designated for special education.

SPECIAL EDUCATION IN CMSD: RESTRUCTURING FOR SUCCESS

Changes are occurring in the Cleveland special education system to address the problems of identification and segregation of students with disabilities and to elevate the status of special education. The position of director of special education has been upgraded to "Executive Director" status, making that individual a member of the general education Executive Cabinet. This change in status has enhanced coordination between general and special education. The hiring of a coordinator of professional development specifically for special education has again provided a counterpart to the general education position and helped special education have a greater voice in professional development decisions. (Respondent interview.)

To address identification and placement issues, CMSD has a three-pronged approach: school-wide inclusion plans, attendance of students with disabilities at neighborhood schools to the greatest extent possible, and implementation of Intervention-Based Assessment (IBA). (Fixing Special Education, 2002.)

Individual school planning teams are responsible for developing inclusion plans. Respondents noted that while the general education classroom should be the default placement for students with disabilities, the IDEA requires the availability of a continuum of settings for students who may need different educational environments. Therefore, school inclusion plans should build in a variety of ways to serve students with disabilities. Respondents also said the success of inclusion often depends on the principal's understanding and commitment to the concept and teacher training to implement the plan. Increased collaboration between general and special education staff appears to be a critical component for successful implementation of the plan.

The second prong of the reform efforts, returning students with disabilities to neighborhood schools, has proved difficult. The special education population shifted back to neighborhood schools by an average of three percent in 1999, six percent in 2000, and 11 percent in 2001. Before this program began, some schools' enrollments consisted of as much as 30 percent students with disabilities, while other schools had only a few students. Some critics believe the move has been too rapid, since all schools do not have the capacity to accommodate the needs of students moved to their buildings. And despite the shift of students, students with disabilities are still overrepresented in some buildings and underrepresented in others. (Fixing Special Education.)

The last of the reform efforts, Intervention-Based Assessment, has been introduced to address identification issues. The hope is that the program will reduce the number of inappropriate referrals and, again, move students from more restrictive placements. The program is described in more detail in the Early Intervention section of this case study.

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A Closer Look at Special Education in Cleveland—Stakeholder Perspectives

1. SPECIAL EDUCATION AND SCHOOL REFORM

Student Assessment

Under Senate Bill 1, passed in June 2001, the Ohio Proficiency Tests, based on general academic guidelines in use since 1983, will be replaced with Achievement Tests based on comprehensive academic standards currently in development. CMSD will begin to phase in administration of Achievement Tests with the third grade reading test in 2003-04, and the phase-in will be completed in 2006-07. A series of diagnostic assessments must also be introduced no later than July 2007. Ohio Graduation Tests will replace proficiency exams in the tenth through twelfth grades, with a phase-in beginning with tenth grade reading and math in 2002-03. (*An Overview of Test/Assessment Phase-in Under SB1*, CMSD, June 2001.)

CMSD has the distinction of having made the most significant gains on Ohio Proficiency Tests of the eight largest cities in the state between 1996 and 2001. The following data compare percentages of students overall with the percentages of students with disabilities who met minimum state performance standards on the reading and math proficiency tests for 1999-2000. For fourth graders overall in reading, 33.7 percent reached the state minimum score, while 17.5 percent of students with disabilities met the minimum. In math, 34.3 percent of fourth graders met the minimum, and 17.2 percent of students with disabilities achieved at that level. For sixth graders in reading, overall 17.6 percent met the minimum standard compared to 4.1 percent of students with disabilities. On the sixth grade math test, 15.8 percent overall and 3.7 percent of students with disabilities reached the state minimum. For twelfth graders, 40.5 percent of students overall and 28.6 percent of students with disabilities achieved the state performance standard in reading, while 28.8 percent and 7.4 percent respectively met that level in math.

Students with disabilities may take the proficiency exams with accommodations, if the IEP team so determines. The State Administrative Code defines four criteria for allowable accommodations. Accommodations must typically be given for classroom and districtwide tests and may not alter the content or structure of the test. Accommodations may not change what the test is intended to measure, nor may they change or enhance the student's response. (Ohio Administrative Code Rule 3301-13-03(H).)

Education Reform and Students with Disabilities

In examining the role of special education in education reform, respondents noted that the need to "fix" the whole school system had precluded a large role for special education in reform efforts. Some suggested that thus far, inclusion plans look better on paper than in actual implementation. Forum participants stated that special education does not fit into the general education reform movement model and that teachers often are not prepared to meet the demands of a new education model.

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Others expressed concern that a number of students with disabilities are still exempted from standardized assessments, especially problematic since these standards and tests are driving education reform. Respondents also commented that special education personnel need to insinuate themselves more into the reform process and that special education literature and conversations should reflect standards language. Without such moves on the part of special education, respondents felt that special education would continue to be seen as an "also-ran."

Of most interest, a number of respondents cited the contribution that special education could make to school reform. Comments focused on the push in general education for individualized strategies, early intervention, and performance-based assessment that are "right out of special education textbooks." In fact, according to stakeholders, interventions used with students with mild learning disabilities, including awareness of diverse learning styles and instructional techniques, are now being "discovered" as appropriate for use with general education students. Others mentioned the expertise of special education personnel in identifying students who need assistance, whether or not those students will be served through special education.

Our interviews suggest that in some school buildings, reform efforts are becoming institutionalized and have included students with disabilities. Parent, teacher, and administrator stakeholders from these schools expressed more satisfaction with the progress for both general and special education students.

Recommendations

Stakeholders offered the following recommendations for changes in the IDEA that would support inclusion of students with disabilities in reform efforts:

- More staff generally, including more team teaching configurations.
- Increased funding for technology.
- Class size reduction.
- Focus on progress rather than process monitoring.
- Inclusion of students with disabilities, with few exceptions, in accountability measures.
- Better support for teachers, including more and better-trained paraprofessionals.

2. CRITICAL ISSUES IN SPECIAL EDUCATION

a. Early Identification and Intervention

CMUSD supports a number of intervention activities to find and assist students with academic and behavioral difficulties as early as possible.

Intervention-Based Assessment

Intervention-Based Assessment (IBA), a collaborative project between the Department of Special Education and Psychological Services, is a general education initiative. The purpose of the program is to find creative ways to address students' problems before looking at a special education referral. IBA serves as a vehicle to build capacity for delivery of services to all students. Staff receives training in how to use existing building resources to provide a variety of services across general and special education.

Each school creates an IBA team composed of general and special education teachers, parents, the principal, and other staff, such as the school psychologist, social worker, or therapists. First the team describes the problem, determines a goal for the student, examines possible causes for the problem, and brainstorms a variety of interventions. A specific intervention is then selected and an implementation plan developed, including how effectiveness will be evaluated. Several interventions must be attempted before referral for special education evaluation. (Respondent interviews and Fixing Special Education, *Catalyst for Cleveland Schools*, 2002.)

Consistent with responses to other questions, stakeholders indicated that the program is only successful when those individuals developing and implementing interventions are trained in the model. Staff turnover and shortages contribute to the difficulties in consistent implementation, and respondents specifically focused on the need for more school psychologists to help determine the problem and provide direct intervention. Other respondents stated that teachers do not receive additional compensation to serve on IBA teams and may have meetings after regular work hours, perhaps making the assignment less attractive.

Regarding the impact of IBA on the number of special education referrals, respondents generally were unaware of district data, but they felt that where strong well-trained teams exist, the impact has been greater, at least anecdotally. IBA consultants have been collecting data since the program's inception, and these data indicate a decrease in referrals of 39 percent, dropping from 75 percent in 1998-99 to 36 percent in 2000-01. (Fixing Special Education, 2002.)

Several respondents described a "snowball effect" of higher academic requirements leading to increased frustrations among students and finally to a higher incidence of behavior and anxiety problems. Respondents cited a need for more school psychologists, social workers, and counselors to address mental health and behavioral problems. The problems, stakeholders noted, present significant barriers to achievement and may stem from academic frustrations and/or from the home environment.

Other Early Intervention Efforts

The people we interviewed identified two other intervention initiatives. OhioReads is a state program targeted at improving reading skills in kindergarten through fourth grade. The state provides Classroom Reading Grants for professional development, training, curriculum development and technology, as well as Community Reading Grants for before- and after-school and summer reading programs developed in partnership with community organizations, libraries, and businesses. OhioReads also calls for volunteers to provide one-on-one reading tutoring in schools.

The other initiative cited is HOSTS, "Help One Student to Succeed." CMSD had 22 programs in the schools in 2001-02 and will add 40 more in 2002-03. HOSTS is a national program linking community and business volunteers and mentors with students to improve their academic skills.

Recommendations

Stakeholders made many recommendations for improving and enhancing early identification of and intervention for students with academic and behavioral difficulties, including:

- Universal preschool programs and earlier identification of problems.
- Pre-service and in-service training on development and implementation of interventions and ongoing classroom assessment.
- More related services personnel to address behavioral and mental health problems.
- Dissemination and replication of successful intervention models.
- Data collection on effectiveness of IBA.
- Class size reduction.

b. Disproportionate Representation of Minority Students

CMSD does not have a formal process to assess cultural or linguistic differences that might contribute to academic or behavioral difficulties. Most respondents stated that the district provided some bilingual programs and assessments, but seemed less attentive to cultural diversity issues. Others said that some IBA teams attempt to include bilingual members or members from the culture of the student. In-service training is provided for school psychologists on cultural issues in assessment, and discussions are being held on the use of assessments to test linguistic proficiency in academics versus proficiency in conversation. Respondents were concerned that current assessment instruments are not designed to test if academic or behavioral challenges may be due to cultural or linguistic differences.

Several stakeholders identified behavior as a major issue in referrals of minority students for special education. Positive Behavior Interventions and Supports (PBIS) programs are in place in some schools to address this issue, and other schools will institute "therapeutic crisis intervention" programs this year aimed at preventing and deescalating crisis situations.

Effects of Interventions on Special Education Referrals

Respondents were not aware of any data measuring the effects of IBA or other programs on referrals for special education evaluation. Opinions differed on the effects of any of the above-mentioned processes. Several individuals stated that overall, the differences in referral rates for minority students and other groups seemed insignificant. However, those same respondents believe that there are still more African-American students being classified as "developmentally handicapped." On the other hand, other stakeholders believe that district practices have helped to reduce the misidentification of minority students for special education.

Some stakeholders expressed concern that the push for inclusion and pressures to reduce the number of referrals to special education might, in fact, result in underidentification of students. Others noted that cultural norms, such as those sometimes found in the Hispanic community, dictate against labeling. They also noted that, controlling for poverty and family structure, African-American students may not be overrepresented in the special education population. One respondent stated that students' real need for special education and related services, rather than "political ideology" concerns about numbers being too high, should determine whether minority students are identified.

Recommendations

To separate cultural and linguistic issues from the need for special education services, respondents suggested strengthening the IBA process. They recommended that functional behavior assessments mandated in the IDEA discipline provisions should examine the causes of behavior and make adjustments for cultural differences. Respondents also supported increasing PBIS programs in the district.

Stakeholders urged that teachers and paraprofessionals receive more and better pre-service and in-service training and that parent training and involvement be enhanced. They expressed a strong need for federal support to hire more bilingual staff, especially teachers and school psychologists. They also indicated a need for introductory courses for staff and familiarity with the languages spoken in the school population. In addition, they supported research and data collection on characteristics of minority students that result in higher teacher referral rates.

c. Attracting and Retaining Personnel

According to respondent interviews, more than 100 special education vacancies in Cleveland are covered by long-term substitutes, and 40 to 50 percent of new hires, regardless of credential, leave by their third year of teaching. For 2001-02, CMSD anticipated a shortage of 850 teachers overall. Cleveland has recruited for special education and science and math teachers as far away as India. (Cleveland Schools To Recruit Teachers from India, CNN-fyi.com, 2001.)

In FY2001, special education teachers accounted for about 14.5 percent of the teaching force in Ohio. However, the state reported 1,402 vacancies in special education, 28.5 percent of the total number of teaching and pupil services vacancies advertised. In 2000, special education graduates from Ohio college programs comprised only 11.1 percent of total graduates. Consequently, school districts must rely heavily on individuals with temporary certificates to fill special education positions. (*Teacher Supply and Demand in Ohio*, Ohio Department of Education, 2002.)

Both the state and CMSD have efforts underway to recruit new teachers. In 2001, the Ohio General Assembly passed legislation allowing college graduates to obtain a one-year teaching permit by completing a basic skills test and six semester hours of education coursework. To remain in the classroom after the first year, additional requirements are imposed. (Capitol Recap, *Education Week*, Jan. 9, 2002.) Effective November 2001, Ohio House Bill 196 established a conditional permit for special education intervention specialists, a gener-

ic certification classification for special education teachers. This law allows school districts to hire individuals with a bachelor's degree who have passed the basic skills exam and completed 15 hours of coursework related to special education and who agree to seek an "alternative educator license" at the end of the year for which the permit is issued. The alternative license leads to a provisional license and finally to a "professional educator" license. Generally, candidates for the alternative license must take the Praxis II examination; however, candidates for an alternative intervention specialist license are exempted from this requirement. (State Superintendent's Task Force for Preparing Special Education Personnel website.) The state may have to revisit these provisions to ensure they comply with the new teacher quality requirements of the No Child Left Behind Act.

The State Superintendent's Task Force for Preparing Special Education Personnel, an advisory body to the State Superintendent of Public Instruction established in 1976, has created the Special Education Career Connection (SECC) to address teacher and related services shortages in the state. One of the activities undertaken by the SECC is the State of Ohio Pilot Site Project for Recruitment of Special Educators, conducted in conjunction with the federally funded National Clearinghouse for Professions in Special Education. Public service announcements began airing earlier in the year to encourage individuals to consider a career in special education. (Task Force website.)

CMSD received a federal grant in October 2001 under the new Transitions to Teaching program to recruit career changers to the profession. The district also cosponsors the Cleveland Teachers Academy, along with the Cleveland Teachers Union, the Cleveland Initiative for Education, and local universities, to provide ongoing professional development opportunities to enhance the skills of the current work force.

Two other state initiatives will affect CMSD's ability to attract new teachers to special education. The first initiative requires that, beginning in the 2002-03 school year, Ohio districts provide all first-year teachers with a structured mentoring program. While the stated purpose of the program is to prepare teachers to pass Praxis III, respondents cited mentoring as a positive way to keep new hires in the school district. Cleveland previously had a mentoring program that gave about 20 teachers leave from the classroom to advise new teachers; however, budgetary problems caused the elimination of the program. (Mentoring for First-year Teachers Is the Law in 2002: Will Cleveland Be Ready? *Catalyst for Cleveland Schools*, Oct./Nov. 2001.) The second initiative requires all new teachers, beginning in spring 2003, to take Praxis III, a high stakes test in which classroom performance is graded. (New High-stakes Exam: State Assessors To Observe New Teachers Teaching, *Catalyst for Cleveland Schools*, Oct./Nov. 2001.)

Respondents highlighted several training issues that should be addressed. First, they cited the need for pre-service training for general education staff on disability awareness, inclusion, and the IDEA requirements. One respondent also cited the lack of attention in alternative certification programs to special education issues. Respondents felt that training on these issues would make general education staff more receptive to the inclusion of students with disabilities in their classes and allow them to be more responsive to students' educational needs.

Another area highlighted was training for principals and general education administrators. Respondents indicated that having strong building leadership was critical to ensuring that students with disabilities were treated equitably and received appropriate educational services.

d. Discipline

People we interviewed in Cleveland, as in Chicago and Milwaukee, expressed broad differences of opinion on the topic of discipline. Again, however, no one cited discipline as an overwhelming problem in the district for students with disabilities.

Perhaps interviewees did not identify discipline of students with disabilities as a specific problem because most of the debate about discipline in Cleveland has focused on the district's unusually high number of suspensions among all students in the past. Students were suspended for even minor infractions of the discipline code and could be suspended for up to 80 days for a variety of offenses. The current administration was determined to seriously reduce the use of suspensions. In addition to limiting the offenses for which suspension was an option, CMSD instituted better reporting on suspensions and created alternative schools to help students with chronic discipline problems while continuing their education. (New Rules Aim To Keep Kids in School, *Sun Newspapers*, 2001.) CMSD has also begun to move to K-8 schools rather than middle schools to establish a more secure learning environment for students. The overhaul of the discipline policy has resulted already in significant decreases in suspensions. (Districts Chip Away at Suspensions: Are Schools Calmer? *Catalyst for Cleveland Schools*, Dec. 2001.)

In FY 2000, 11 percent of general education students were suspended, while 14.4 percent of students with disabilities received suspensions. The average length of the suspension was 4.3 days for general education students and 4.2 days for students with disabilities. (Ohio Department of Information Management Services, Oct. 2000.)

According to a cross-section of respondents, CMSD has interpreted IDEA discipline provisions to limit suspensions to 10 days. Respondents noted generally the confusion and lack of awareness of the IDEA regulations. In addition to the IDEA language, the union contract contains "right of removal" language, allowing teachers and principals to remove disruptive general education students. The conflict between the two provisions, plus zero tolerance policies, has posed some problems, according to stakeholders.

The majority felt that the 1997 IDEA discipline amendments had not made a significant difference in practice. While some felt the district was making a good attempt to comply, they also indicated the need for more staff training and better alternative programs. Others cited the need to find additional service options and supports that would allow students to remain in their regular classrooms, rather than only focusing on alternative placements.

Recommendations

Respondents agreed with their Chicago and Milwaukee counterparts that the discipline provisions must be simplified. As noted above, increased staff training and more placement options are critical. They also urged that more counselors and social workers be hired to work on prevention and provide ongoing counseling.

e. Funding Priorities

Following is a ranking of respondents' spending priorities, should CMSD receive a large increase in federal IDEA funds:

- ❑ Teacher recruitment and retention activities.
- ❑ Training for all school staff.
- ❑ Hiring more school social workers, psychologists, and counselors.
- ❑ Class size reduction.

MILWAUKEE PUBLIC SCHOOLS

The Milwaukee Public Schools (MPS) have instituted a number of new initiatives over the past several years, including decentralization of some governance functions, a return to neighborhood schools, a phased-in early intervention problem solving model, and several literacy programs.

However, respondents indicated MPS suffers from some of the problems that affect all large urban school districts. The sheer size of the system can be overwhelming. Greater turnover in staff often means that new innovations are not given adequate time and support for implementation. One participant also noted that there has been considerable turnover of superintendents in the district in recent years, causing a constant shift in priorities from administration to administration. These political changes also affect the accountability of the system.

In fact, several interviewees indicated that the problems facing large urban districts are not all that different from those in rural or suburban districts. Rather, those same problems are compounded by the much larger number of students and are magnified further by the increased paperwork and the increased need for personnel that come with a larger student population. In addition, urban districts often have higher numbers of students with special needs.

What's Working?

Respondents were asked to comment on what special education processes in MPS are working well and should be retained. Areas of strength included:

- Streamlining of the IEP process to allow decisions on eligibility, services, and placement to be made in one meeting.
- Referral and evaluation processes.
- Parent participation.
- Staff collaboration.

Respondents were also asked to reflect on any improvements in the system since the 1997 reauthorization of the IDEA. A third of respondents felt that the IDEA amendments had not produced any improvements in the system. Several of those respondents indicated that cutbacks in staff had increased caseloads and paperwork. In addition, they noted that IDEA '97 had not reduced the threat of litigation, again contributing to the continuing paperwork burden.

Another third indicated that while some changes were made immediately after the '97 reauthorization, such as more parent participation in IEP development, some of those changes have not been sustained. Other respondents noted that positive changes in the system did not seem to be attributable to changes in the federal law.

Current Compliance

With a lawsuit pending in the district (see "Special Education: Changes Ahead" below), issues of compliance are in the forefront in MPS. Among other concerns, the lawsuit addresses the need for all those involved in education, from the classroom teacher to the U.S. Department of Education, to be held accountable for student performance. Attorneys and advocates also cited the need for improvements in student placement and parent participation in the system.

In addition to comments on legal compliance, participants discussed the issue of paperwork. Some respondents felt that the emphasis on documentation showed a lack of trust in teachers and that an atmosphere of trust is critical to developing positive relationships among staff and families. Others mentioned that the paperwork does not derive from the federal law, but rather from additional requirements added by the U.S. Department of Education and state and local education agencies. Those respondents concluded, therefore, that statutory changes in the IDEA would not fix the problem.

A Snapshot of the Milwaukee Public Schools

DEMOGRAPHICS

The total student population of Milwaukee Public Schools in 2001-02 was 97,762 (Wisconsin Department of Public Instruction), of which 84 percent were minority students. African-American students comprise the largest ethnic group at over 60 percent of the student population in 2000-01. Hispanic and Asian students comprise 15 and 5 percent respectively. White enrollment has declined from about 27 percent in 1990-91 to a little over 16 percent in 2000-01 (*2000-2001 Accountability Report for the Milwaukee Public Schools*). The percentage of MPS students from lower income families increased from 68 percent in 1990-91 to 77 percent in 2000-01.

The number of students with disabilities reported to the U.S. Department of Education on December 1, 2001, was 16,030, or around 16 percent of the total enrollment. Approximately six percent of all Asian students were identified as students with disabilities, while 18 percent of all African-American students were identified as needing special education. Thirteen percent of the Hispanic student population, 15 percent of Native American students, and 16 percent of all White students were identified as students with disabilities.

School districts must report annually to the Wisconsin Department of Public Instruction on a number of indicators for students with disabilities. In its 2000-01 Special Education Plan, MPS reported that while 81.4 percent of general education students graduated from high school, only 22 percent of students with disabilities achieved that milestone. The dropout rate for students with disabilities was 6.9 percent, compared to 11.1 percent for general education students.

GOVERNANCE

The publicly elected Milwaukee Board of School Directors operates a school district of 160 schools served by more than 6,700 full-time, part-time, and substitute teachers. The Board also has the responsibility of appointing the local superintendent.

The system is decentralized, giving over 90 percent of operating budgets directly to the schools. School Governance Councils became operational in the 1998-99 school year. Parents, teachers, community members, students, and administrators cooperatively work to provide continuous assessment and improvement of policies, curriculum, and educational plans. The councils are specifically charged with participation in the development of the annual school educational plan, the annual school budget, and the periodic review and assessment of the school's performance. Council members also have a limited role in the selection and evaluation of school staff, including the principal. (*Audit #2001-15: Review of School Governance Councils*, MPS Office of Audit Services, August 2001.)

Decentralization gives the building principal considerable flexibility in determining school needs through a system of "charge backs" and "buy backs." Charge backs are mandatory services that the school must purchase from the central administration. Supervisory, speech, diagnostic, psychological, and social work services are funded through the general per-pupil allocation. Schools may contract with the central administration to buy back certain related services, allowing the principal to determine how much time is required of certain related services personnel. The central administration may intervene, if it believes that staffing decisions do not seem appropriate to meet students' needs.

Some respondents, especially parents, felt that not all principals understood the needs of children with disabilities and that the system lacks sufficient clarity about which responsibilities reside with principals or the central administration. A cross-section of respondents indicated that accountability for the IEP process generally lies with the building administrator, which sometimes results in inconsistency in quality and enforcement. A mix of respondents also asserted that, with decentralization, the decision to exclude students with disabilities from districtwide and statewide testing resides with the building staff. Some respondents felt this process resulted in students with disabilities being excluded more often to prevent adverse effects on school test scores.

Leadership liaisons help principals to include students with disabilities in general school reform and more effectively support these students' academic achievement. The liaisons, each with responsibility for around 20 schools, also advise principals on compliance issues related to delivery of special education and provide professional development and other services. Because of the large number of schools for which they are responsible, the liaisons' actual time in the schools is sometimes limited.

Each school is required to develop an Educational Plan. By this fall, each of these plans must include a component specifically addressing integration of students with disabilities. Among other considerations, schools are directed to look at staff development and funding support to foster strong partnerships between general and special education.

SCHOOL CHOICE

Low-income families may participate in a state-mandated school choice program. Surprisingly, only one respondent mentioned this program. Regarding students with disabilities, private schools participating in the choice program may not discriminate in the admissions process. However, private choice schools are required to "offer only those services to assist students with special needs that it can provide with minor adjustments." Parents are instructed to contact the particular private school to determine what services will be avail-

able and to confer with MPS regarding the services the district must provide to students in private schools. (*Milwaukee Parental Choice Program: Frequently Asked Questions—2002-03 School Year*, Wisconsin Dept. of Public Instruction.) In addition to the Parental Choice Program, Milwaukee also has an open enrollment program, which allows students to attend schools outside of Milwaukee, and a system of charter schools, including at least two developed specifically for students with disabilities.

A new Neighborhood Schools Initiative is designed to increase the physical space in neighborhood schools and provide a broader array of services for students with disabilities in schools closer to home. More K-8 programs are being added to the system, with the goal of greater stability for students. Funds previously used for transportation within the district are being redirected to this effort.

BUDGET

For 2001-02, MPS spent approximately \$140 million on special education, about 14 percent of its \$1 billion annual budget. Of that \$140 million, about 9 percent came from federal dollars, 28 percent from the state, and the remainder from local coffers. (Special Education: Promises and Problems, *Rethinking Schools*, Vol. 16, No. 3, Spring 2002.) This represents a large decrease over the last 20 years in state funding, making increased federal investment even more important to urban districts with heightened needs.

The FY 2003 budget just approved by the Board of School Directors represents an increase of four percent over the previous year's funding level. The budget for the special education department is estimated at \$150 million, which includes funding for the Problem Solving program described in the following section.

SPECIAL EDUCATION IN MPS: CHANGES AHEAD

Since interviews and data collection for this report began, the MPS central administration has undergone a major change. In late July, the local superintendent resigned his position, and the local special education director has been reassigned. A new superintendent and special education director were appointed in August, both from within the system. This report reflects the status of the system under the tenure of the former superintendent.

It is also important to note that MPS is currently the defendant in a complaint filed on behalf of families of students with disabilities. The complaint alleges, among other issues, that evaluations of students are not conducted in a timely or procedurally proper manner, placements do not meet LRE provisions, limitations on suspensions and expulsions are not being enforced, and an adequate supply of qualified personnel are not available to meet students' needs.

Possibly in response to the suit, the Board of School Directors recently passed several resolutions. First, MPS must hire a District Exceptional Education Ombudsman to receive special education complaints from "employees, advocates, departments, schools or other constituencies within MPS concerning other divisions, departments...internal to MPS." Specifically, the ombudsman will work on complaints from employees "concerning

employment conditions and related issues rising out of, or affecting delivery of, special education services.” (Resolution 0203R-018, Proceedings: Milwaukee Board of School Directors, May 30, 2002.)

A second change puts the Director of Special Education on the same line of authority as the Director of Leadership Services, who has supervisory responsibility for principals, essentially enabling the Director of Special Education to institute changes more easily. In collaboration with the Leadership Division of the central administration, the Director will have responsibilities for supervision and evaluation of schools’ delivery of special education services and compliance with procedural requirements.

Third, the Board established a Committee on Special Education to “monitor and assess district and school progress in meeting state and federal mandates as well as the Board’s goals and standards in all matters relating to serving students with special needs.” The Committee will have oversight responsibilities for monitoring organization performance and will review all reports related to special education to ensure implementation of recommendations for compliance and program effectiveness. (Resolution 0203R-005, Proceedings: Milwaukee Board of School Directors, April 29, 2002.)

Fourth, the central administration has developed a Special Education Oversight Action Plan to address concerns raised in the lawsuit, among other issues. The plan includes increased centralized accountability, while maintaining the decentralized service delivery system. This accountability system will be implemented through the special education component of the School Education Plan. (Resolution 0203R-019, Proceedings: Milwaukee Board of School Directors, May 30, 2002.) The central administration must also present a plan for soliciting regular input from stakeholders—including parents, teachers, advocates, and principals—to assist in developing goals and strategies to address areas in need of improvement. The plan must include timelines and a means of communicating regularly with parents, schools, and the public about progress made on the identified areas of concern. (Proceedings: Milwaukee Board of School Directors, May 30, 2002.)

A Closer Look at Special Education in Milwaukee—Stakeholder Perspectives

1. SPECIAL EDUCATION AND SCHOOL REFORM

Student Assessment

Wisconsin has a single set of standards that applies to all students, including students with disabilities and limited English proficient students. Students with disabilities may participate in regular assessments with or without accommodations or may be tested through alternate assessments. According to the IDEA, the IEP team determines which form of assessment and what, if any, accommodations are appropriate.

The Wisconsin Student Assessment System (WSAS) includes two statewide standardized tests, the Wisconsin Reading Comprehension Test given in third grade and the Wisconsin Knowledge and Concepts Examination (WKCE) given in grades 4, 8, and 10. MPS supplements these tests with its own writing performance assessment, administered in grades 3, 5, 6, 7, 11, and 12, as well as a mathematics assessment for high school students. Beginning in

2004-05, school districts may choose to use a state high school graduation test as one of three graduation criteria; however, state budget constraints may postpone implementation.

In 2000-01, 20 percent of students with disabilities scored at the proficient level on the fourth grade reading exam, while 55 percent of general education students achieved that level. In math, 19 percent of students with disabilities met the proficient level, while 35 percent of general education students reached that level. In eighth grade, 2 percent of students with disabilities met proficient levels in math and 10 percent met them in reading, compared with 9 percent and 42 percent of general education students respectively. For tenth graders with disabilities, the percentages reaching the proficient level in math and reading were 1 percent and 3 percent respectively; general education percentages for proficiency were 9 percent in math and 22 percent in reading.

Education Reform and Students with Disabilities

When asked what role special education played in the district's education reform plan, a third of respondents pointed to the requirement that school plans include a component on integrating students with disabilities. However, these same respondents qualified their answers, noting that implementation at the building level was mixed due to the decentralization of the system and issues around testing students with disabilities. Another group of respondents stated that one of the main goals of MPS was to reach high achievement for all students; however, that goal has not yet been accomplished.

Several respondents commented on aligning NCLB and the IDEA. Some felt such alignment might mean that districts would not be able to target funds to special education. Others warned against including in the IDEA the "penalty" provisions in NCLB for schools in need of improvement, since the effects of these provisions on students with disabilities are not yet known. Some participants felt the "punitive" nature of the NCLB testing requirements, which involve judging schools based on test scores, might adversely affect students with disabilities. Specifically, they commented that these provisions could make schools reluctant to accept students with disabilities if school personnel perceived those students' scores would deflate the overall school standing.

Recommendations

Respondents were asked to suggest changes in the IDEA that would help ensure students with disabilities are included in school reform efforts. Several people felt that federal mandates should be limited and that aligning NCLB and IDEA would reduce fragmentation in the education system. Others focused on increased funding as a means to reduce large case-loads, hire more personnel, and provide time for staff collaboration. Respondents also suggested making the IEP into a more "user-friendly" document that would bring families and educators together to assist the student.

2. CRITICAL ISSUES IN SPECIAL EDUCATION

a. Early Identification and Intervention

Milwaukee has instituted several pre-referral intervention strategies, both informal and more formalized. The core element of these approaches is shared responsibility for ensuring student success.

Collaborative Support Teams

Although not mandated, most schools have a Collaborative Support Team (CST) to assist teachers in making appropriate intervention decisions for students experiencing problems. Unlike the IEP team, whose membership is mandated in the IDEA, the individual school determines the composition of the CST. The team usually includes the school psychologist, school social worker, classroom teacher, and parents if they choose to participate. Other school staff or community personnel, such as social services people or private tutors, may be included, depending on the nature of the problem.

Problem Solving Model

The other, more formal pre-referral process is called "Optimizing Success Through Problem Solving." Problem Solving began as a pilot in 18 schools in 2000 and will be incorporated in all schools by 2007. The model has four components: (1) resource analysis, including staff and curriculum resources; (2) prevention, including identifying risk factors and implementing programs to prevent problems from occurring; (3) early intervention, including informal problem solving between school and family to develop learning supports; and (4) focused intervention, using the CST or the IEP team process for more intensive interventions. Each school sets its own standards for "proficiency," against which students are judged. Special education evaluations under this model would also be based on standards determined at the school level. Problem Solving facilitators, most of whom are school psychologists, assist school teams with training and other concerns.

For those students identified as having a disability under the Problem Solving model, a non-categorical model is used. Rather than a specific disability label, students are identified as having a disability in academics, social-emotional functioning, speech or language, or physical-medical needs.

Respondents generally supported the notion of a pre-referral model and felt it had promise. However, some parents expressed concern that Problem Solving might be a way to postpone eligibility for special education. Other respondents indicated that the program has worked well in schools where both the principal and the teachers have bought into the concept and are receiving ongoing training.

Since the program is relatively new, data are not yet available to determine if the number of students entering special education has decreased as a result of the early intervention programs. Some teacher respondents felt referrals were increasing, while others had observed the opposite in their buildings. While the effects on special education referrals

cannot yet be documented, respondents indicated that Problem Solving schools generally look for more creative ways to assist students and are more thoughtful about the students referred for special education evaluations.

Other Early Intervention Programs

Respondents identified several other early intervention models. SAGE—Student Achievement Guarantee in Education—is a state initiative mandating a student-teacher ratio of 15:1 in kindergarten through third grade. All respondents supported class-size reduction as a critical element in student achievement. Unfortunately, due to limited space, some classrooms may house 30 students with two teachers. Despite that concern, respondents indicated that early data show beneficial effects for students.

MPS has a number of collaborative efforts underway. The Balanced Literacy Initiative represents a collaboration among MPS, the Milwaukee Teachers Education Association, area higher education institutions, and businesses with the goal of ensuring that all students read at or above grade level. Special education personnel have been involved at all levels of program planning. The Initiative will provide a “literacy coach” in every school, full-time positions filled by Milwaukee teachers with at least five years’ experience in the system. In schools with large bilingual populations, attempts have been made to identify “English as a Second Language” coaches. In addition, MPS is hiring 10 literacy specialists to provide ongoing training for the coaches. Each school has a learning team working on program development, and the business community is assisting in identifying a private tutor for each MPS student.

Recommendations

Respondents were asked to provide recommendations to improve and enhance early identification and intervention efforts. A cross-section supported additional resources for enhanced early childhood programs, stating that earlier identification of problems improves the chances for success. Early childhood programs also were viewed as a mechanism to separate children whose difficulties arise from cultural and linguistic differences from those with learning challenges.

Class-size reduction received overwhelming support. Respondents stated that smaller classes would allow teachers more individual time with students and thus a better chance to identify students needing additional assistance.

The need for ongoing teacher training and support was another shared recommendation. Respondents noted that problem solving models are only as successful as the teacher’s ability to implement the interventions and that teacher training was essential.

Outreach and training should also be extended to communities, families, and medical personnel. Respondents expressed concern that some medical personnel are not aware of early language development and other problems that might put children at risk for later academic difficulties. Communities and families should also receive training in spotting developmental problems that warrant early attention before children reach school age.

b. Disproportionate Representation of Minority Students

MPS does not have a formal process to assess cultural or linguistic differences that might contribute to academic or behavioral problems. In fact, respondents generally did not view overrepresentation of minorities as a major issue in Milwaukee, and one participant noted that MPS is only slightly above the national average in its identification of students of color.

Respondents identified a number of methods used to address the needs of cultural and linguistic minorities. Multidisciplinary teams discuss whether or not apparent problems are due to language, and the CST process and problem solving are also used to sort out cultural and linguistic issues.

A number of staff positions and systems are in place, according to respondents, to meet the needs of non-English speaking and limited English proficient students. MPS employs diagnostic support teachers who assess students for special education and who also provide in-service training for staff on topics such as limited English proficiency. The system employs bilingual school psychologists and school social workers trained to make cultural and linguistic determinations about students. The LAU Compliance Office (named after the 1975 California case, *Lau v. Nichols*, in which the court ruled that Chinese children must be offered instruction in their native language while learning English) tests non-English speaking students to determine English proficiency. If the student needs further evaluation, a bilingual team is assembled to provide the assessment.

New hires must respond to the "Urban Perceiver" questionnaire. This instrument determines cultural competency and biases. Also, staff receives annual in-service on limited English proficiency.

Effects of Interventions on Special Education Referrals

Several respondents, including administrators, indicated that there are no data on the impact of any of the processes mentioned above on referral or eligibility for special education. However, some issues were raised that bear mentioning. Some respondents indicated that the personal and professional experiences of staff may influence their responses to students who are culturally and linguistically different. With the rate of staff turnover and the difficulties in finding experienced staff to fill vacancies, there may be a "cultural gap" for some new hires not familiar with cultural and linguistic differences.

Another concern raised was the lack of minority staff in decision-making and policy-making positions. Some participants noted that since decision-makers are overwhelmingly non-minority, they may lack the necessary understanding to adequately address issues related to minority students.

Parent respondents stated that African-American and Hispanic students do represent a larger percentage of special education students. However, they qualified those responses, noting that many of these students come to school with myriad problems. In fact, they felt that the problem solving model in some cases might defer needed referrals for special education. Respondents also raised the issue of what is acceptable in certain communities. As examples, they noted that some members of the Hispanic community are sensitive to their children being labeled as cognitively disabled, while some members of the African-American community may be more sensitive to labels of emotional or behavioral disability. Respondents felt that schools were aware of and sensitive to these issues.

Parents of color participating in the Milwaukee forum expressed frustration over the lack of accommodations that would allow parents to actively participate in school activities and processes. They cited the need for accommodation on meeting times and suggested that parents need better training to be able to meaningfully participate.

Recommendations

Respondents across all stakeholder groups focused on the need for ongoing staff training. For example, in one school, regular staff in-service is provided on anti-racist, multicultural topics, including oral language development and first and second language proficiency. School psychologists, speech-language pathologists, and other staff involved in assessment and evaluation of students should be culturally sensitive and, if possible, bilingual. Again, training was identified as the key.

Parents mentioned training for families. They also noted that children who need services must receive them, regardless of the number of minority children in special education.

c. Attracting and Retaining Personnel

At a time when districts are searching for ways to attract new teachers, MPS faces several issues. Most respondents cited adequate compensation as a critical factor in attracting and retaining new staff. After two years of negotiation, in August MPS declared an impasse in contract negotiations with the Milwaukee Teachers' Education Association. The district requested that a state law known as the Qualified Economic Offer (QEO) be invoked, signaling the end of contract talks and imposing a 3.8 percent combined salary and benefits increase. Most of this increase would have been consumed by rising health care costs, leaving teachers and others under the contract with a 0.91 percent salary increase retroactive to July 1, 2001. (JOnline, *Milwaukee Journal Sentinel*, Aug. 15, 2002.) A tentative agreement reached between the Milwaukee Teachers' Education Association and MPS on October 1 may preclude the use of the QEO.

Another impediment to attracting a large pool of teacher applicants is the district's residency requirement. A bill introduced in the Wisconsin State Legislature in February 2002 to prohibit school boards from requiring residency as a condition of employment was defeated. Respondents cited this requirement as a major impediment to attracting applicants to the system. Supports for teachers may be cut, as well, due to budget constraints. For example, a mentoring program praised by survey respondents was eliminated in the FY 2003 school budget.

The Wisconsin Department of Public Instruction annually publishes a report examining trends in personnel supply and demand. The most recent edition indicates that the overall number of program graduates from Wisconsin schools of education has remained fairly steady over the last five years, while the number of graduates in 1999-2000 in special education declined by 14 percent. (*Supply and Demand of Educational Personnel for Wisconsin Public Schools: An Examination of Data Trends*, 2001.)

The personnel report also shows slight overall teacher shortages. However, special education had higher numbers of shortages, particularly in the areas of emotional/behavioral disability, visual and hearing impairment, and cognitive disability. Regarding the ratio of

applicants to vacancies, 7 of the 12 lowest ratios were related to special education. Across Wisconsin districts, one-third of all 2000-01 vacancies filled by emergency licensees were in special education.

Milwaukee had fewer applicants than vacancies in 20 licensure/subject areas, including most special education and specialized personnel. MPS reported having "demand well above average" in all areas of special education, including cognitive disability, cross-categorical, deaf and hearing impairment, early childhood special education, emotional/behavioral disability, learning disability, speech-language pathology, and physical and occupational therapy. (*Supply and Demand of Educational Personnel*.)

d. Discipline

As in the other districts, stakeholders differed considerably on the issue of discipline, with respondents citing concerns about "zero tolerance" policies. However, discipline was not cited as a major issue.

Both elementary and secondary principals agreed that more than ever, students with severe emotional and behavioral problems are being placed in regular classrooms and that teachers and administrators need more training to handle situations. Several respondents expressed concern that alternative educational sites were quite limited. In fact, one administrator stated there is only one alternative educational setting serving 18 high schools to house students removed under the IDEA "45-day" provision. The same person said that the district's only day treatment program had been closed, but there were a few alternative high schools and programs, such as evening classes, that would accept students with disabilities.

The suspension rate is 28.0 percent for students with disabilities versus 18.6 percent for general education students. (Hruz, T., *The Growth of Special Education in Wisconsin*, Wisconsin Policy Research Institute, Inc., Vol. 15, No. 5, July 2002.) A number of respondents reported being told that suspensions for students with disabilities must be limited to 10 days in a school year. This, however, is a district interpretation of the IDEA, which does not limit the number of days students with disabilities may be suspended as long as some educational services are provided.

Some respondents cited "unofficial suspensions" as a problem. In some cases, parents have been asked to take students home in the middle of the day for behavioral problems, so the day does not count as a suspension. Other cases were cited where students were routinely sent home after half a day, and that situation became institutionalized.

Others expressed serious concern about the high rate of truancy for both general and special education students. One respondent noted that many students are simply not in school—they either have been removed due to disciplinary actions or are just not attending. The truancy rate, according to this respondent, is as much as 50 percent in some schools. This person felt strongly that this critical problem should be addressed, so that students will receive an appropriate education.

Recommendations

Overall, respondents stated that the discipline provisions were too complex. Many expressed the need for streamlined procedures, while still maintaining students' rights.

Several respondents indicated that MPS has done training on alternatives to suspension and provided general training on the discipline provisions. However, a broad cross-section of stakeholders felt that more resources should be invested in ongoing training and the development of more and better program options, especially if students are to remain in school after 10 days' suspension. They also indicated a need for additional staff, such as school psychologists and social workers, with training in early identification of at-risk students, in implementing positive behavioral supports, and in addressing emotional and mental health problems.

e. Funding Priorities

Despite overwhelming support for increased funding, participants in our study made comments about the way funds are currently used. A few people expressed concerns that more dollars would not necessarily solve problems and that current funds are not necessarily used well, especially in areas such as transportation.

The following funding priorities are ranked according to areas of greatest concern:

- Training for all school staff on special education issues.
- Reduction of class size and caseloads.
- Early intervention at the earliest levels.
- More physical space and accessible facilities.
- Provision of life skills and vocational training.

Conclusion

Twenty-eight years ago Congress established its commitment to educating students with disabilities. The 1997 amendments to the IDEA broadened that commitment to ensure students receive the supports they need to meet high academic standards comparable to their general education peers.

The experiences of large urban school districts in implementing the IDEA present special challenges. While the problems defined by these districts are not necessarily unique to urban areas, these problems are exacerbated by the overlay of poverty, cultural and linguistic diversity, large student populations, and critical personnel shortages.

Urban districts must be key players in the debate about what changes are needed in the IDEA to enhance the educational opportunities and successes for students with disabilities. With limited financial and human capital, these districts have been forced to think creatively to solve the myriad problems they face. This creativity and determination to provide the best educational system possible should inform and enhance how we view education for all students.

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We are especially grateful to the scores of individuals who participated in the interviews and forums on which this report is based. We appreciate their willingness to share their experiences and perspectives and to contribute to a broader understanding of special education in urban settings.

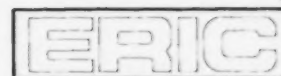
This report was written by Myrna Mandlawitz, a consultant to the Center on Education Policy. Nancy Kober, a consultant to the Center, served as editor, and Jack Jennings and Diane Stark Rentner, the Center's director and deputy director, provided advice on content.



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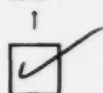
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